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New York

President:	Sir Jeremy Greenstock	(United Kingdom)
Members:	Bangladesh	Mr. Chowdhury
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Ireland	Mr. Ryan
	Jamaica	Miss Durrant
	Mali	Mr. Ouane
	Mauritius	Mr. Neewoor
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	Tunisia	Mr. Mejdoub
	Ukraine	Mr. Kuchinsky
	United States of America	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2001/331).

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The meeting resumed at 3 p.m.

The President: I should like to inform the Council that I have received letters from the representatives of Indonesia, Israel and Nepal, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Thayeb (Indonesia), Mr. Lancry (Israel) and Mr. Sharma (Nepal) took the seats reserved for them at the side of the Council Chamber.

The President: I propose, in the absence of objection, to extend an invitation under rule 39 of the Council's provisional rules of procedure to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

There being no objection, it is so decided.

I invite Mr. Oshima to take a seat at the Council table.

I give the floor to Mr. Oshima to respond to comments made and questions raised in the debate so far.

Mr. Oshima: I would like to thank you, Mr. President, for allowing me to make some brief remarks at this juncture in the Council's debate. Let me first state that I am deeply impressed by the importance that the Council has attached to the issue, and by its commitment to identifying practical steps to move from expressions of intent to real implementation. In particular, I note the emphasis that Council members have put on the need to integrate better measures aimed at enhancing the protection of civilians on the ground by ensuring that these are considered in the design and planing of peace operations. The development of a checklist, as mentioned by several delegations, seems a very practical and useful measure in that respect.

In the same context, I support the proposal made by the President of the Council and by other delegations on the establishment of a cross-cutting team of the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO) to ensure that issues related to the protection of civilians are adequately addressed in mandates of peace operations. As the focal point within the Secretariat for the protection of civilians, my Office, the Office for the Coordination of Humanitarian Affairs, stands ready to assume a more active role in that respect. I urge the Council to support the Office for the Coordination of Humanitarian Affairs in fulfilling that important role.

In its reporting and daily activities, the Office for the Coordination of Humanitarian Affairs will seek to mainstream and give prominence to issues relating to the protection of civilians, and I will use the opportunity of my briefing on the humanitarian situation in the Democratic Republic of the Congo for that purpose.

As many delegations have noted, the protection of civilians caught in armed conflicts lies at the core of the United Nations mandate and is the primary subject of the daily struggle of numerous humanitarian agencies and organizations in the field. Let me therefore briefly reiterate some of the most important points in that connection.

The primary responsibility for the protection of civilians rests with States and their Governments. International action can only be complementary and can never be a substitute for that responsibility. Armed groups have a direct responsibility under international humanitarian law to protect civilians and to refrain from attacks on them. Given the predominantly internal nature of today's armed conflicts, it is indispensable to engage in a structured humanitarian dialogue with armed groups, based on core humanitarian principles such as impartiality, and without legitimizing the claims of those groups. And finally, where conflicts develop a regional dimension due to massive cross-border movements of displaced populations, a regional approach to crisis is necessary. These, I note, are some of the main issues reflected in the Secretary-General's report (S/2001/331).

I would like to take this opportunity to respond briefly to some of the proposals of a practical nature made in this morning's debate, and to outline a number of practical steps that my Office and its humanitarian partners are undertaking or envisaging to improve the protection of civilians in practical terms. In that

connection, I would like to call for the Council's active support for the implementation of those steps.

First, in order to develop better coordinated and more creative approaches to access negotiations, to which many delegations referred, the Secretary-General has requested the Inter-Agency Standing Committee to develop a manual of best practices and guidance for access negotiations and strategies. It will include benchmarks for the engagement and disengagement of aid agencies, demands for conditionality, clearance procedures, needs assessments, monitoring of the delivery of relief and assistance, and other principles. Drawing on past experience, my Office will take the lead in this matter, working closely with the members of the Inter-Agency Standing Committee. As a first step in that direction, a group of key agencies has already been formed; it will meet next month for an initial working-level session to be followed by the endorsement by the Inter-Agency Standing Committee of an appropriate mechanism for further efforts.

The Inter-Agency Standing Committee has been working on the issue of strengthening the safety and security of humanitarian personnel in the field. In that connection, I would like to mention also that non-governmental organizations are daily engaged in the work of humanitarian assistance; non-governmental organizations are indispensable partners of United Nations agencies in providing humanitarian relief assistance to vulnerable people. While their national and international staff, like United Nations personnel, are increasingly made the target of attack, the current security framework does not adequately address staff safety. Therefore, the Inter-Agency Standing Committee has formed a working group to strengthen collaboration between the United Nations and non-governmental organizations on this issue at the field level. As part of my regular updates on the protection of civilians, I stand ready also to update the Council on results and progress on these matters, as appropriate.

Secondly, effective coordination can significantly enhance the protection of civilians, as well as the provision of humanitarian assistance. To draw lessons from recent field experiences with a view to strengthening value-added features of coordination arrangements, my Office has commissioned a study on humanitarian coordination. The preliminary draft points to the need for early on-the-ground coordination among agencies, donors and other relevant actors.

I would also like to mention some other proposals that have been made concerning the practical implementation of the 54 recommendations of the report on this issue. I welcome the idea of an informal working group of the Council to facilitate a more interactive process between the Council and the Secretariat on the matter. As a first step, however, I would like to encourage the Council to design a clear road map for implementation of the recommendations, as suggested by the Ambassador of Norway. In this respect, my Office, OCHA, stands ready to work closely with the Council in elaborating a road map with clear time-lines aimed at identifying the respective roles of Member States, the Secretariat and other parts of the United Nations system and at categorizing and prioritizing recommendations for implementation by each entity. In my capacity as Emergency Relief Coordinator, I also stand ready to update the Council regularly on the progress made in this regard.

As for the next report of the Secretary-General on the protection of civilians, I was particularly struck by the intervention made by the Norwegian Ambassador. Such a follow-up report to the Council should focus primarily on progress made in implementing the recommendations. In this context, I would like to express my readiness to report, as has been suggested, within six months — by October 2001 for example — on progress made in elaborating the road map. The follow-up report could then be issued another 12 months later — for example in October 2002 — reflecting the action taken to implement the road map.

In conclusion, I would like to express once again my deep appreciation for the importance the Council attaches to the issue of the protection of civilians. It has proved a significant opportunity to give a voice to the tens of millions of victims who are suffering in silence in many parts of the world. The seriousness of today's debate so far has further contributed to drawing the necessary attention to the civilian victims and, furthermore, to the need to effect real progress in this very difficult area. Civilians in war need decisive and timely action by the Council in implementing the many pivotal recommendations contained in the Secretary-General's reports.

The President: I may well come back to the Under-Secretary-General or to his representative during the course of the discussion to pick up points from the debate as it is taken forward by non-members of the Council.

We now move to the speakers' list under rule 37, and I intend to get through the speakers' list today, however long it takes. I hope that people will leave room for later speakers.

The next speaker on my list is the representative of Canada, whom I invite to take a seat at the Council table and to make his statement.

Mr. Heinbecker (Canada)*(spoke in French)*: Mr. President, thank you for organizing today's meeting. I also want to thank the Secretary-General and Ms. Fréchette for their excellent report on the protection of civilians in armed conflict. I would also like to thank Mrs. Robinson for her very relevant comments on the work of the Council.

My remarks will focus on three themes, the first of which is the important progress achieved; the second, the protection of civilians and shared responsibility; and, thirdly, the Council's responsibility to see to it that its recommendations are implemented.

(spoke in English)

The Permanent Representative of Singapore was kind enough to refer to our initiative to put this issue on the Council's agenda. We did not do so lightly. I remember very well in the months of December and January 1999 receiving the advice of colleagues — well-intended advice — that this was the "big leagues", that it would be wise for new members of the Council not to take the initiative so early, that it would be a good idea to learn the ropes a bit before pressing ahead. The difficulty we had was the calendar. We had no choice; we had only two opportunities to put our views forward; and one of those opportunities had already come in February 1999. So we took our courage in our hands, and we did do it. One never knows what one can accomplish until one tries.

It is evident that the Council has made a lot of progress since that time. The safety of people has moved from the periphery of the Council's preoccupations towards the centre. The protection of civilians is now a routine element of Council discourse. That could not have been made more clear than in this morning's debate, when the need to mainstream the protection of civilians in the work of the Council and of the Secretariat was widely noted and with scarcely any reservations. This is an important step forward.

In the past, peacekeepers lacked explicit authority to prevent or stop violence against civilians within their areas of deployment. Recently, however, three peacekeeping missions — in East Timor, Sierra Leone and the Democratic Republic of the Congo — have included provisions for civilian protection. Advisers on child protection and on gender have been integrated into missions, as have human rights officers. This is also progress. The Council now regularly calls on all parties to conflicts, State and non-State actors alike, to respect international human rights and humanitarian law. The Council also has evidence of willingness to take on the issue of impunity. Nothing will strengthen the Council's hand more than the widespread ratification of the Statute of the International Criminal Court. The Council has improved its sanctions instrument, including better targeting and streamlined humanitarian procedures. This amounts to the beginning of a culture of protection — but only the beginning. There have been setbacks.

In particular, we regret that the revised concept of operations for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) excludes the extension of protection to the civilian population. This exclusion was retained by the Security Council in its resolution 1341 (2001) of 22 February 2001. Obviously, MONUC's 1,900 armed personnel could not provide widespread protection for civilians in the Congo. Equally, it is clear that what one Ambassador referred to as "gaps" between ambition and capability should not be allowed to appear. But MONUC could have, and in our view, should have, been mandated under Chapter VII to take the necessary action "within its capabilities and areas of deployment" to afford protection to civilians under imminent threat of physical violence. All United Nations peacekeeping forces should be so mandated explicitly, and with the same caveats, where necessary.

The second theme I would like to stress today is that the protection of civilians is everyone's responsibility. We believe it is appropriate that this report of the Secretary-General go to the General Assembly as well. There is work there to be done. For example, the Special Committee on Peacekeeping Operations can also help to give effect to the Secretary-General's recommendations. Moreover, we endorse the Secretary-General's suggestion that the protection of civilians be addressed at the upcoming high-level consultations between the United Nations and regional organizations.

I would like to pick up on a point made by the Permanent Representative of Singapore when he referred to sovereignty and humanitarian intervention. People here will know that the Government of Canada, in cooperation with a number of foundations, has promoted work done by an international, independent commission to examine the issue of humanitarian intervention and State sovereignty. We are asking it to try to deal with those issues and to try to synthesize what are otherwise very difficult concepts to reconcile.

I recall that, in another time and place, Madam Brundtland and the World Commission on Environment and Development, as it was then called, did manage to synthesize two of what, up to that point, had seemed to be irreconcilable points: the necessity of economic growth, on the one hand, and the imperative of environmental protection, on the other. I do not think it is beyond the ingenuity of humanity to come up with a similar synthesis in this area. In our view, that would be based on the idea of the responsibility to protect people. That responsibility, obviously, begins with the host Governments of the countries concerned, but in extreme cases also extends to the international community.

Our third point is that existing resolutions and recommendations on the protection of civilians must be implemented. In his recommendations, the Secretary-General could not have been clearer in putting the ball in the Security Council's court. We encourage him to continue to keep this issue before the Council. We also encourage him to tell the Council, to paraphrase the Brahimi report, what it needs to hear and not what at times might be more convenient to say.

Resolution 1296 (2000) asked the Secretary-General to include observations related to the protection of civilians in his regular reports to the Council. This practice should be systematic and should go even further. It should also identify cases where particular recommendations for the protection of civilians should be acted on especially promptly. We want to see further reports on the protection of civilians in armed conflict not as ends in themselves, but as catalysts for continued action. In this regard, we support the recommendations on follow-up action put forward today by the Permanent Representative of Norway.

Whatever document emerges from today's debate — and we agree with the President and the Permanent Representative of the United Kingdom that it need not be another presidential statement or resolution — should task the Secretary-General with producing the next report on protection of civilians in armed conflict as well. The Council must not allow itself to be distracted by urgent needs from implementing the Secretary-General's 54 recommendations. One way of not being distracted is to implement the annual audit idea put forward by the delegation of Singapore.

We are encouraged that the Secretary-General's report recognizes the positive role that the private sector can play. It also documents how corporate and non-State actors in conflicts can prolong and worsen war. We therefore support further study into the roles the private sector can play in conflict areas, including through conflict prevention activities such as early warning and, subsequent to conflicts, through post-conflict reconstruction. Ways of explicitly integrating private-sector activity into a broader protection-of-civilians strategy need to be developed.

I would like to conclude with a few words directed to members of the Council. The Secretary-General's report is an excellent one. The Council has the opportunity to make progress with it. Please do not let politics or the urgency of a particular crisis obscure these fundamentals: the world has changed; the nature of conflict has changed; civilians have become the principal victims; people need your protection; your implementing the Secretary-General's recommendations can go a long way towards giving them that protection.

The President: The next speaker inscribed on my list is the representative of Sweden. I invite him to take a seat at the Council table and to make his statement.

Mr. Schori (Sweden): I would like to extend my thanks for the statements made by Deputy Secretary-General Louise Fréchette, High Commissioner for Human Rights Mary Robinson and Under-Secretary-General Oshima.

The countries enumerated in the full European Union statement, which is now being distributed, align themselves with that version.

The European Union welcomes the Secretary-General's report on the protection of civilians in armed conflict, but regrets that, so far, only a few of the

recommendations in the first report have been implemented.

The European Union strongly agrees that internationally recognized standards of protection can be upheld only when they are given the force of law and when violators are regularly and reliably brought to justice. National jurisdictions have a primary responsibility in this regard, and in some circumstances criminal proceedings can be effectively complemented by truth and reconciliation efforts. Nevertheless, crucial work is carried out by the ad hoc Tribunals for Rwanda and the former Yugoslavia; and the proposed special court for Sierra Leone and the serious-crimes panel in East Timor deserve our continuous attention. The European Union also calls on all States to sign and ratify the Rome Statute of the International Criminal Court.

Under international law, displaced persons and other victims of conflict are entitled to international protection and assistance where this is not available from national authorities. Where Governments are prevented from reaching civilians, impartial actors must be allowed to carry out their humanitarian tasks.

The European Union supports the recommendation that the Security Council should conduct more frequent fact-finding missions to conflict areas. Such missions also serve an important preventive function.

The European Union would welcome a set of common ground rules that would facilitate access. When negotiating for access in a conflict situation of a non-international character it is vital not only to have direct negotiations with the Government concerned, but also to engage in a dialogue with armed groups involved in the armed conflict. That dialogue should aim at ensuring access, guaranteeing the security of humanitarian operations in a conflict area and disseminating information on international humanitarian law and human rights law to armed groups.

Governments as well as armed groups have responsibilities under international humanitarian law. All parties to a conflict of a non-international character are bound to comply with the customary rules in this field of law. The direct responsibility of armed groups under international humanitarian law should be emphasized by the Security Council. The European Union will further continue to support efforts to disseminate information on international humanitarian law and human rights law to armed groups.

Women and children are disproportionately represented among civilians affected by conflict. The European Union would like to emphasize the importance of the participation of women in peace operations and during negotiations of peace agreements.

The European Union fully supports the recommendation that the Security Council make provision for the regular integration in mission mandates of media-monitoring mechanisms. The European Union considers effective public information in peacekeeping operations and humanitarian operations important for their success.

The rising number of casualties among United Nations personnel and humanitarian personnel, both local and international, is a cause for profound concern. Attacks against United Nations civilian and military personnel cannot be tolerated.

In conclusion, the European Union believes that the Secretary-General has identified a comprehensive set of measures that, if implemented, could have a positive impact on civilians affected by armed conflict.

The President: I thank the representative of Sweden for his statement and for making an oral precis of the written statement, which will be circulated in full.

The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Satoh (Japan): Mr. President, I would like to express my appreciation to you for your initiative in arranging today's meeting on this important issue. As the comprehensive and well-argued second report of the Secretary-General stresses, it is our urgent common task to identify ways in which the international system can be strengthened to help meet the growing needs of civilians in war, and to act accordingly. Civilians have become the principal victims of conflicts in recent decades, and, indeed, it is in this context that we have to address this task.

This is a very difficult task, of course. But it is encouraging that the Security Council adopted its first resolution on this issue a year ago, in response to the first report of the Secretary-General.

We believe that each of the 14 recommendations made by the Secretary-General in his second report, which is before us, is crucially important in order to make tangible progress in coping with this difficult task. We therefore urge the Security Council to give those recommendations serious attention in its consideration of any action to follow up the previous resolution.

I would like to take this opportunity to underscore some salient issues before us.

First, ensuring the safe and unimpeded access of humanitarian personnel to civilian populations in need is a prerequisite for the provision of meaningful protection and assistance to civilians affected by conflict. I would like, therefore, to urge the Security Council to express a stronger-than-ever determination to pursue safe access for humanitarian operations using a combination of the ways suggested by the Secretary-General in his report.

Secondly, it is of the utmost importance to strengthen our efforts to ensure more broadly the safety and security of United Nations personnel, particularly humanitarian personnel, in the field. In this context, we are pleased to note that the Trust Fund for Security of United Nations Staff, to which Japan has contributed $2 million since 1999, has been used to provide training to enable such personnel to better protect themselves in the field. We hope that other Member States will make contributions to that Fund.

I would also like to point out that the Convention on the Safety of United Nations and Associated Personnel contains a provision that could cover United Nations and associated personnel engaged in humanitarian operations. I would like to encourage the Security Council to invoke that provision whenever it deems it necessary.

Thirdly, the international community must redouble its efforts to provide appropriate protection and assistance to refugees and internally displaced persons. The Office of the United Nations High Commissioner for Refugees (UNHCR) is playing a vital role in easing the suffering of refugees in all parts of the world, and Japan pays high tribute to it for its efforts. At the same time, however, the international community must help ease the plight of internally displaced persons, whose numbers now exceed 20 million. Although the primary responsibility for protecting internally displaced persons lies with the authorities of the country in which they live, the international community must provide appropriate assistance to those who are suffering.

It is encouraging that the Guiding Principles on Internal Displacement are being applied more frequently, but much greater efforts are needed to tackle this difficult problem. The importance of enhancing the operational capacity of the United Nations system and the need for it to take a more coordinated approach in addressing the plight of internally displaced persons cannot be overemphasized in this context.

Japan has consistently stressed the importance of focusing on the protection of the life and dignity of peoples as the international community addresses the broad spectrum of issues we face, ranging from poverty and environmental degradation to conflicts, and from terrorism to infectious diseases such as HIV/AIDS. Needless to say, civilians in armed conflict are the most vulnerable in the context of human security. I would therefore like to conclude my statement by assuring you, Mr. President, that Japan is determined to make the utmost effort to enhance the level of protection given to them.

The President: The next speaker on my list is the representative of Argentina. I invite him to take a seat at the Council table and to make his statement.

Mr. Cappagli (Argentina) (*spoke in Spanish*): During its recent term in the Security Council, Argentina was actively involved in the development of a response to the serious crimes committed against civilian populations. As this issue is one of our main concerns, we thank the United Kingdom in particular for having convened this open meeting.

We wish to express our gratitude to the Secretary-General for his report and to thank Mrs. Louise Fréchette, Deputy Secretary-General, for her eloquent statement, and Mrs. Mary Robinson, United Nations High Commissioner for Human Rights, for her excellent and encouraging statement. In addition, we wish to express our appreciation for the clarifications provided by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Oshima.

The Secretary-General made 40 recommendations in his first report, to which we must add the 14 contained in his second report, which we are

considering today. It is clear that we have now a large enough framework to lay the foundations for our work. Taking into account the guidelines given to us, we would like to focus our statement on four aspects that we deem to be crucial.

The first aspect is justice as a deterrent factor.

We agree with the Secretary-General's view that the protection of civilians in times of conflict must have a sound legal foundation. The deterrent capacity of justice is the primary key to the prevention of crimes against the civilian population.

A relatively adequate framework of judicial protection exists at the international level, but we must ensure its effective enforcement. In order not to thwart the work of the courts, we must take into account two factors: financing and the cooperation of States with those courts.

In addition to the regular budgets appropriated by the Organization, we urge donors to become aware of the role that their contributions, in cash or in kind, play in this area — an area that is so very sensitive with respect to the prevention of conflicts. At the same time, States must cooperate fully to ensure that those suspected of having committed crimes that fall within the jurisdiction of the courts are brought before those courts.

The second aspect is the safety of humanitarian personnel.

Turning to humanitarian access, the safety of personnel delivering humanitarian assistance is crucial to ensuring the protection of the civilian population. The design of peace missions should include, at the very least, personnel protection and safety, courses on safety before deployment, consideration of safety in the initial budget of each operation and the provision to missions of the necessary logistical support.

We should give humanitarian assistance personnel the same level of protection granted to United Nations and peacekeeping operations staff. The agreements on the status of forces and the status of mission must include measures based on the 1994 Convention. We suggest that analogous stipulations be included in the model agreements.

With respect to Security Council field missions, on the basis of our recent experience as a member of the Security Council, we encourage an increase in the practice of sending such missions to conflict areas as a tool that allows for a more fluid dialogue among all parties. One priority that must invariably be included in the mandates given to these missions is the capacity to negotiate humanitarian access, with sufficient security conditions, with the interested actors.

As to operating preconditions, the implementation of the Secretary-General's recommendations from the operational point of view requires, *inter alia*, that information collection and analysis capacity be strengthened in order to gain a clear picture of the situation when deciding to send a mission to the field; that mandates be established taking into account the reality of the conflict and that missions be given clear and consistent rules of engagement, taking especially into account the protection of civilians; that the capacity of the Department of Peacekeeping Operations be strengthened in order to optimize the design and planning of missions; that missions be provided with sufficient resources; that the provision of training courses on safety matters, including the participation of military personnel, civilian police and civilian personnel to be deployed in a peacekeeping mission, be increased; that the command and control functions in the area of operations be strengthened; that the functions of all interested actors be identified; and that a coordinating strategy avoiding the overlapping of work be outlined.

In the light of the statements we have heard, I wish to make a few additional comments. We will soon be holding a coordination meeting of the Economic and Social Council and the Security Council that will enhance the joint action of the bodies of the system. We must try to strengthen this practice. Similarly, we support coordination with regional organizations. We recognize the important contribution that can be made by non-governmental organizations and the media in the provision of information on the situation on the ground and we believe that it is important to continue to perfect it. Finally, we support Mrs. Robinson's proposal that the reports of human rights fact-finding missions be made available to the Security Council. We believe that this information should be taken duly into account by the Council.

In conclusion, we wish to reiterate our readiness to continue actively to work in support of all initiatives to ensure safety conditions for all the populations affected by conflicts.

The President: The next speaker on my list is the representative of the Republic of Korea. I invite him to take a seat at the Council table and to make his statement.

Mr. Lee (Republic of Korea): Let me begin by thanking you, Sir, for your leadership during the month of April and for revisiting this important issue. I would also like to express my gratitude to the Secretary-General for his insightful report, which highlights many issues of critical importance for the protection of civilians in conflict situations. I found the report to be very timely, as civilians are increasingly becoming the targets in armed conflicts. I am of the view that the Secretary-General's paper has laid out a clear and practical course of action and can therefore serve as an excellent basis for further discussion.

Since the Republic of Korea introduced the issue of the protection of humanitarian assistance to refugees and others in conflict situations during its Security Council presidency in 1997, my delegation has been following the Council's subsequent measures with great interest. Last year, we were pleased to see the Security Council's adoption of three resolutions pertaining to this issue, including resolutions 1314 (2000) and 1325 (2000), which included specific provisions for the protection of women and children.

These measures clearly represent a growing recognition that widespread violations of the rights of civilians deserve the attention of the Security Council and that human security is intricately linked to international peace and security. However, as the Secretary-General has noted, the challenge remains to translate good intentions and recommendations into concrete action. It is our hope that this debate will generate further discussion on specific modes of action for protecting civilians and provide the impetus to carry out the recommendations outlined in the Secretary-General's report.

My delegation shares the Secretary-General's vision of a culture of protection in which Member States and armed groups adhere to the recognized rules of international humanitarian and human rights law and commit themselves unequivocally to the alleviation of armed conflicts. Implicit in this perspective is the idea that short-term prescriptive measures are not sufficient to ensure the protection of civilians in conflict situations. We must also develop long-term preventive strategies to foster international peace and security.

Allow me to comment on a few of the issues to which my delegation attaches particular importance.

First, the Secretary-General has rightly noted that international standards of protection can be upheld only if they are given the force of the law. For this reason, the Republic of Korea strongly advocates prosecuting violations of international humanitarian and human rights law and opposes granting amnesty to those who commit crimes against humanity. My delegation has been actively involved in United Nations efforts towards this end and supports the further development of legal instruments for the protection of civilians in conflict areas. In this regard, the International Criminal Tribunals for the Former Yugoslavia and for Rwanda represent a step in the right direction.

Secondly, we believe that the idea of smart sanctions merits further elaboration. We recognize the challenges inherent in the development of targeted sanctions and emphasize that they must be tailored to particular regimes and have clear goals. Most importantly, any discussion of sanctions must include a thorough review of their humanitarian implications. In this regard, we strongly support the recommendation made by the Secretary-General in last year's report to establish a permanent technical review mechanism to ascertain the potential impact of sanctions on civilians.

Thirdly, I wish to emphasize that separating civilians from armed elements is crucial, not just for the safety of the individuals in the affected areas, but for the security and stability of the region as a whole. The mass movement of people from conflict areas to neighbouring States can destabilize entire regions and internationalize a conflict that was once local in nature. While bearing in mind that the primary responsibility for protection lies with the affected States, I would like to reaffirm the responsibility of Member States to protect and assist refugees and internally displaced persons when their home countries are unable or unwilling to do so.

Fourthly, we welcome the development of effective partnerships between the Security Council and non-governmental organizations, civil society and regional organizations. Regional organizations are often well informed about the local context of conflicts, and can therefore play a vital role in the protection of local civilian populations.

We are therefore pleased to note that the fourth high-level meeting between the United Nations and regional organizations, held in February, laid the groundwork for adopting a framework for enhanced cooperation in peace-building.

Finally, my delegation also advocates greater coordination and consultation among the Security Council, the General Assembly and other United Nations organs. In particular, we welcome the role that the Economic and Social Council can play in civilian protection, and we look forward to the meeting between the Security Council and the Economic and Social Council on the 27th of this month.

There is a growing awareness that peacekeeping alone cannot solve all of the problems associated with conflict situations and that social and economic development may help nations avert conflict. Entities such as the Economic and Social Council address the root causes of conflict, which are often poverty-related, through the promotion of economic growth, poverty eradication, sustainable development, good governance and democracy. It is my hope that closer coordination among the Security Council, the Economic and Social Council and other United Nations organs, such as the Office of the United Nations High Commissioner for Refugees, will enable us to better address the multifaceted challenges of civilian protection in armed conflict.

Let me conclude by reiterating my delegation's hope that the Security Council will continue to expand its involvement in the protection of civilians in conflict situations. In particular, we hope that special attention will be given to the protection of women, children and other vulnerable groups in armed conflict. We also advocate the adoption of specific measures for the protection of United Nations and humanitarian personnel. Our efforts to protect civilians in conflict areas will be futile unless United Nations and humanitarian personnel are granted safe access to these areas.

The Republic of Korea will continue to be actively involved in this process, and I hope that many of the measures we have discussed today will be promptly and successfully implemented.

The President: The next speaker inscribed on my list is the representative of Yemen. I invite him to take a seat at the Council table and to make his statement.

Mr. Al-Ashtal (Yemen) *(spoke in Arabic)*: I should like to congratulate you, Mr. President, on the skilful and effective manner in which you are conducting the business of the Council. I should like to thank Ms. Fréchette, who introduced the report of the Secretary-General, Mrs. Robinson and Mr. Oshima for their statements.

I should also like to thank you, Mr. President, for opening the debate to participation by the representatives of non-members of the Council to express their views and to make comments on an important humanitarian issue — the protection of civilians in armed conflict between or within States.

Despite the fact that the issue of the protection of civilians has been developing a clear and concrete humanitarian dimension for only one decade, it has acquired special significance because of the potential human tragedy and danger that it involves at the national, regional and international levels, and because of its impact on international peace and security.

In this context, we would like to express our appreciation to Mr. Kofi Annan, the Secretary-General, for his sincere efforts to promote peace. We would like in particular to commend the valuable views, proposals and recommendations contained in the report before the Council on the protection of civilians with a view to overcoming the difficulties and ensuring the delivery of humanitarian supplies and assistance to civilians in times of civil war and armed conflict.

We fully support the content and thrust of the core recommendations contained in the report and hope that the Council will succeed in creating a concrete formula to implement all the recommendations so that bloodshed can be averted, property preserved and peace and security maintained.

The report of the Secretary-General examines the general situation prevailing in cases of conflict between States or between a State and armed groups in which civilians fall victim. The report also refers to conflict scenarios and humanitarian situations that make it imperative for Governments to intervene, or for the international community, as represented by this Council, to do so when Governments are unable or unwilling to carry out their duties.

The report does not, however, address another situation: that of a State in direct confrontation with unarmed civilians. This is exactly the case of the tragic

situation prevailing in the occupied Palestinian territories. There, an armed conflict is being waged by one party — the Israeli State, with its full military machinery — against unarmed Palestinian civilians and their children, who are armed only with stones as a means of expressing their rejection of occupation and of the violence committed by the Israeli State.

What is striking — indeed, baffling — to us is that the acts of killing, demolition and siege, the levelling of homes, the destruction of grazing land and farmland, and all the attendant devastation and displacement of civilians, have not been adequately addressed in the Security Council. There has been no effort to put an end to the massacres that undermine the legitimate rights of the Palestinian people. The bitter irony is that all international norms and humanitarian laws — including the Universal Declaration of Human Rights, the Fourth Geneva Convention of 1949 and the two Additional Protocols and other relevant international instruments — apply fully to the Palestinian situation.

But the Security Council continues to be unable to shoulder its responsibility. We are concerned that, unless the situation is properly addressed, the crisis could spiral out of control and become a region-wide conflict posing a threat to international peace and security.

Public opinion in my country, Yemen — indeed, in all Arab countries — is closely following the scenes of massacre, destruction and displacement that are unfolding in Palestine. The public wonders why the Council has failed to fulfil its obligation to protect Palestinian civilians. Absent that role, and given the Council's failure to shoulder its responsibility, the conviction is growing among the public in our region that the Security Council's practice in this regard is a blend of double standards, selectivity and a lack of objectivity.

Let us now ask the question: will the Council take action to protect Palestinian civilians and to salvage the peace process, which is now all but dead? We await the Council's response.

The President: The next speaker is the Permanent Observer of Switzerland to the United Nations. I invite him to take a seat at the Council table and to make his statement.

Mr. Staehelin (Switzerland) (*spoke in French*): I wish at the outset to thank you, Mr. President, and the other members of the Security Council for having organized this public debate on the protection of civilians in armed conflict. As depositary of the 1949 Geneva Conventions and their additional Protocols, Switzerland attaches particular importance to respect for international humanitarian law and to the protection of civilians. Switzerland has therefore been following the Council's deliberations on this item with great interest.

Switzerland welcomes the report of the Secretary-General (S/2001/331) before the Council today, and welcomes the Secretary-General's ongoing commitment to civilians in conflict. We are gratified at the report's objective of developing a culture of protection of civilians. Switzerland fully shares that objective, which — given that civilian populations are the principal victims and often the actual targets of conflicts — is intended to place the human being at the centre of international concerns and to ensure that protection heads the political agenda.

Some of the Secretary-General's recommendations for establishing that culture of protection seem to us to be of particular interest. Let me touch briefly on two of them.

First is the need for clear ground rules for negotiating access to vulnerable populations, including criteria for engagement and disengagement of humanitarian organizations. Indeed, the international community has often stressed that safe and unimpeded access to the victims of conflict is a sine qua non for the provision of the international assistance and protection that are provided for in international law. Moreover, it is well known that in today's internal conflicts access can be gained only after sometimes long and arduous negotiations. Here, Switzerland supports the Secretary-General's appeal for closer cooperation among humanitarian agencies, with full respect for their mandates and their independence, with a view to gaining access to distressed populations. Here we welcome the fact that the Inter-Agency Standing Committee has been requested to develop a manual for negotiators.

Another of the Secretary-General's recommendations is to develop constructive dialogue with non-State armed groups. Conflicts today are increasingly characterized by the growing role of armed groups,

which are bearing responsibility with regard to civilian populations that is comparable to that of regular armed forces. Under article 3 common to the four Geneva Conventions of 1949, all parties to a conflict are obliged to respect minimum rules of conduct. Thus, all those parties, including non-State actors, must henceforth understand their true responsibilities. There must be an emphasis on greater dissemination of international humanitarian and human-rights law, and improved promotion of humanitarian principles. Switzerland believes that even politically sensitive contacts with armed groups should be guided by humanitarian imperatives and conducted with pragmatism. The formulation under United Nations auspices of basic standards for humane behaviour, combining the key norms that should be applied by all parties in all circumstances, could make a valuable contribution to the dialogue.

Switzerland appreciates the Secretary-General's inclusion as an annex to his report of a summary of the situation with regard to the implementation of the recommendations he made in September 1999. We note with satisfaction efforts to take better account of the humanitarian repercussions of sanctions regimes on civilian populations, and to promote targeted sanctions. Switzerland also takes note of progress with respect to arms embargoes when civilian populations are under threat, and to the safety and security of camps. While much remains to be done, my Government assures the Secretary-General of its gratitude and of its support for his praiseworthy commitment to civilian populations that are victims of armed conflict.

The President: The next speaker is the representative of Jordan. I invite him to take a seat at the Council table and to make his statement.

Mr. Al-Hussein (Jordan) (*spoke in Arabic*): I wish at the outset to congratulate you most warmly, Sir, on your assumption of the presidency of the Security Council for the month of April. I am confident that the skill and the spirit of innovation with which you are guiding the work of the Council will ensure the success of today's debate. My thanks go also to Ambassador Kuchynski of Ukraine for the wisdom and ability with which he guided the work of the Council last month. I also thank you, Sir, for having made it possible for us to participate in this important debate.

Because of the grim reality facing millions of distressed civilians caught in situations of armed conflict, in desperate need of assistance and protection, the Security Council is duty-bound to take up a clear course of action guaranteeing the rights of all civilians, as spelled out in international law. The Secretary-General has submitted to the Council a second report (S/2001/331) on the protection of civilians in armed conflict, which is rich in analysis and comment and which places the responsibility to implement his recommendations on Governments and on the members of the Security Council — where that responsibility rightly lies.

My delegation wishes to offer some observations on this subject. In the context of those reports, some measure of attention should be paid to the protection of civilians under foreign military occupation. After all, occupation is not imposed on a civilian population through human-kindness and good will, but through force of arms and violence — and often for a long period of time.

We believe that this category of vulnerable civilian population must be covered by the rubric of our discussion. For our delegation, the suffering of the Palestinian civilian population in the occupied territories, which has continued for decades, is a clear case in point. This has been recognized by relevant Security Council resolutions, and here we have civilians who are legally protected by virtue of two realities — that is, the Council's own determination in recognizing in its own resolutions the prosecution of a belligerent occupation, and the existence of the Geneva Conventions of 1949, to which the occupying Power has, of course, acceded.

(spoke in English)

The second point is that while we support the Secretary-General's recommendation that we continue to develop a "culture of protection", we also urge greater precision — not only because we use the word "culture" perhaps too often at the United Nations in referring to the requirement of a different mental orientation, as in a culture of peace, of prevention, of compliance, and so forth — but also because the physical/legal boundary for "protection" is not always clearly defined; and not defining it, or employing the term "protection" too casually, as was the case in the United Nations Protection Force, is unwise.

In your very useful introductory note, Mr. President, you raise the question of what new capabilities are required in the United Nations system

to ensure the recommendations are implemented. It is our belief that, above all other considerations, if we are to make an impact, a real impact, in the area of physical protection of civilians in armed conflict, particularly where it relates to peacekeeping operations, Council members should lead the rest of us by example. In the event the Council contemplates a peacekeeping mandate where the provision of physical protection to civilians is being considered, from which we will reasonably infer the mission to be dangerous, Council members themselves, and in particular the permanent members, should be first in line to offer their troops for service with the United Nations and not leave it up to the Secretary-General to scramble for contributors. All other points relating to enhancing capacities, while important, are, in the modest opinion of my delegation, of only subordinate significance to this one point.

The President: The next speaker inscribed on my list is the representative of South Africa. I invite him to take a seat at the Council table and to make his statement.

Mr. Kumalo (South Africa): Mr. President, let me also join in commending you for convening this open debate. We also congratulate the Secretary-General on preparing an excellent report on the challenges faced by civilians caught in conflict.

It is critical for the Security Council to reassert itself in its mandated role of guaranteeing global peace and security. This will go a long way in restoring the credibility of the entire United Nations, particularly on the African continent. In our continent, we emphasize the importance of peace and security as prerequisites for development and prosperity. The Organization of African Unity long ago adopted a framework of action, in the form of a Declaration on Security, Stability, Development and Cooperation in Africa. Other organizations or agencies, such as the Economic and Social Council, have critical roles to play as well. I must pause to say that we look forward to the meeting between the Security Council and the Economic and Social Council later on this week. It is therefore important to have coordination between all relevant stakeholders in rebuilding peace and security. It is important for the Security Council to support these activities wherever they may be carried out.

In your guidelines sent to us, Mr. President, you raised important issues which my delegation would like to address. First, the Security Council should establish and appropriately support credible mechanisms of international law, such as ad hoc criminal tribunals. In this regard, the Special Court for Sierra Leone must be fully supported and adequately funded, like the Tribunals which were created to address the tragedies of Yugoslavia and Rwanda. We note the appeal by the Secretary-General for contributions for the Sierra Leone Special Court. However, it is disappointing to note that the Sierra Leone Court is to be funded by voluntary contributions. My delegation believes that the Security Council needs to revisit the decision on the funding of the Sierra Leone Special Court.

Secondly, the Security Council's failure, so far, to protect the Palestinian civilians caught in conflict in the occupied territories, including Jerusalem, remains an indictment against this body. The Geneva Convention relative to the Protection of Civilian Persons in Time of War outlines the collective responsibility of the High Contracting Parties. It is incumbent upon the international community, including the Security Council, to undertake resolute action against States bearing responsibility for violations of international human rights and humanitarian law.

The Security Council can reflect its commitment to the establishment of a secure and peaceful environment for civilians caught in conflict through its peacekeeping mandates. In the Democratic Republic of the Congo, for example, the Security Council must make adequate provisions for disarmament, demobilization, reintegration, repatriation and resettlement. This is important for achieving a durable peace in the Democratic Republic of the Congo and in the Great Lakes region as a whole.

In conclusion, the importance of conflict prevention cannot be over-emphasized. In our view, the protection of civilians begins with the prevention of conflict. In this regard, we welcome the efforts of the Secretary-General to promote a culture of prevention in the work of the United Nations. We agree that the time has come to replace the culture of impunity with a culture of accountability in the protection of civilians in armed conflicts. For durable peace in the twenty-first century, it is not enough for the Security Council to rely solely on peacekeeping.

The President: The next speaker inscribed on my list is the representative of Egypt. I invite him to take a seat at the Council table and to make his statement.

Mr. Aboul Gheit (Egypt) *(spoke in Arabic)*: I have previously expressed in detail Egypt's views on the protection of civilians, in the statement made before the Council on 17 September 1999, when I talked about the different competencies of the Organization and the legal concepts on which we must base ourselves in dealing with the subject. I also dealt with the role that we feel the Council can play in some cases in which it can intervene. Therefore, I will not repeat my views on these questions.

We have taken note of the report of the Secretary-General on the protection of civilians in armed conflict. We have also taken note of the paper distributed by the President of the Council in order to guide the debate in a practical direction. We have no real disagreement with most, if any, of the recommendations made by the Secretary-General in his report. Those recommendations are aimed at according due importance to the protection of civilians in armed conflict. In this regard, allow me to reiterate the importance of respecting the principle of a State's sovereignty over its territory and the need for the relevant actors in the international community to act in concert to tighten the noose around forces and elements that target civilians, whether those forces are regular or irregular.

Allow me now, in addition to everything I have just mentioned, to move from the theoretical to the practical. In this context, I would like to refer to the situation of the Palestinian people. The report of the Secretary-General contains not even a single reference to the situation of the Palestinian people. Our sole consolation in the absence of such a reference may be the legal view that the situation of the Palestinian people has to do with an occupation in which international conventions and agreements apply, the Fourth Geneva Convention being foremost among such agreements. Given that perspective, it follows that the situation of the Palestinian people differs from others in which a Power is engaged in armed conflict and in which there is some sort of balance between that Power and another Power.

The reality is that, in both its civilian and military aspects, occupation is the imposition by force of the will of one party on another. It is therefore only logical that such an occupation would represent the beginning of a cycle of violence in which the civilians under occupation are the second party. The violence resulting from such an occupation would of course be the responsibility of the occupying Power.

Given that scenario, I find it very difficult to see any real difference between what Palestinian civilians are suffering and what other civilians suffer in situations to which the Council gives special attention in an effort to render protection. As a matter of fact, the situation in the Palestinian territories is much worse than many other situations. The balance of power in the territories is completely uneven. Not only does the occupying Power utilize military weapons against Palestinian civilians, it also employs an economic blockade that deprives civilians of income and undertakes political assassinations, trials without evidence, the demolition of homes and razing of farms, and restrictions on civilian movement. It even uses military operations against purely peaceful civilian demonstrations. I do not think there is a single place in the entire world where civilians experience what Palestinians are now experiencing. The situation in the occupied Palestinian territories is, in fact, the sole case in which members and non-members of the Council have made repeated requests for the Council to take action to assume what we believe is its primary responsibility under the Charter, namely, to adopt measures to provide protection for Palestinian civilians under occupation.

What has the Council done? Since last November the Council has been at a standstill in the debate on this subject. In this debate we have heard flimsy arguments and wholly irrelevant politicking. Regrettably, we have heard only silence from many of those who are champions of human rights and who talk about the need to protect human rights and to adopt the doctrine of so-called humanitarian intervention in cases of severe violations taking place in a given region. We have also heard talk of human security and the responsibility of the international community to provide the elements and conditions for all to enjoy that security. Regrettably, the majority of those who talk about this either abstain in the voting on draft resolutions brought before this and other forums of the United Nations, or simply ignore many of the principles they advocate for political reasons totally outside the scope of the question.

An important legal point raised by some delegations during the debate on the Arab request to protect Palestinian civilians concerned the acceptance by an occupying force of the deployment of an

international presence in the occupied territories. We detect an obvious confusion in those views and approaches, which we must now correct. The question of consent to the deployment of any personnel by the Organization to the territory of a Member State with a view to maintaining international peace and security, under Chapter VI of the Charter, is a condition that has to do with territory under the sovereignty of a given country. But a State occupying territory that is not under its legal jurisdiction cannot be said to have sovereignty over that territory, and there is therefore no requirement to seek the acceptance of that country in order to deploy troops on that territory. This is perfectly clear to us, and I hope it is now as clear to everyone else.

With regard to all the talk about so-called cooperation by the occupying Power, that is a different matter altogether. That cooperation is not a prerequisite to the adoption of a resolution by the Council. If the occupation force refuses to cooperate with the Council in the implementation of its resolution, then it is in violation of the Council's resolutions, thereby adding another resolution to the series of resolutions that have been violated by that Power — a matter that should make it subject to international accountability.

The truth of the matter is that for the last six months the Council has failed to live up to Arab expectations and to the expectations of many Member States of the United Nations and the international community. It has failed in its mission to defend Palestinian civilians. It has failed to assume the responsibilities mandated to it by the general membership of the Organization. It has failed to understand the nature of what is asked of it. It has also failed to understand its role, both politically and with regard to security, in providing an appropriate climate conducive to restoring peace and security in the occupied Palestinian territories and to protecting Palestinian civilians. Consequently, it has up to now failed to fulfil its role.

Despite that continuing failure, we will not waver in demanding that the Council assume its responsibility. We have yet to find a single convincing reason why the Council should remain silent on the issue of the Palestinian civilians who are being subjected to acts of aggression. Those acts make it imperative that appropriate protection be provided to them. Will we be able to do this, or will the Security Council remain a useless organ as far as the protection of Palestinian civilians is concerned? That is the question we pose to the Council.

I should like in conclusion to express to you, Mr. President, our deep gratitude for having convened this open debate and for having given us the opportunity to address the Council on this issue.

The President: The next speaker on my list is the representative of the United Arab Emirates. I invite him to take a seat at the Council table and to make his statement.

Mr. Samhan (United Arab Emirates) *(spoke in Arabic)*: Allow me to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for this month and to wish you every success.

I wish also to thank the Secretary-General for his report, which contains invaluable information and recommendations that will help to protect civilians in armed conflicts. We would like also to express our appreciation for the efforts made by humanitarian agencies.

Despite treaties on international laws and human rights — first and foremost the 1949 Geneva Conventions — regional and international events have shown that military action brought about by conflicts, acts of aggression, ethnic and religious cleansing and occupation, in addition to the deterioration of the economic and social situation in many countries — particularly the least developed ones — has targeted civilians, particularly women and children and other vulnerable segments of society, namely refugees and displaced persons.

Immoral means are being used by executors of such military actions to achieve their inhumane goals. Statistics show that civilians represent more than 75 per cent of the victims of war. Millions of people — particularly in regions of Africa, Asia and the Balkans — are, on a daily basis, the victims of murder, acts of aggression, blockages, ethnic cleansing, forced displacement and the use of internationally prohibited weapons. This is a grave violation of international humanitarian law.

The United Arab Emirates wishes to express its grave concern at the fact that these violations are continuing on a regular and flagrant basis. Violations of human rights are being committed against women and children in many areas of tension and in the context of civil and regional wars. We wish to reiterate

the need to deal with these problems on the basis of international obligations, ensuring that the belligerents respect the Charter of the United Nations, international law and human rights. In addition, it is urgent to provide civilians with medical, humanitarian and relief assistance. This should take place without any impediment whatsoever.

At the same time, we wish to reiterate the need to pursue efforts at the regional and international levels to address the causes of armed conflict in a radical and comprehensive manner. This will require the creation of a culture of peace and tolerance, the implementation of confidence-building measures, preventive diplomacy, post-conflict disarmament and peace-building among former combatants, and the establishment of the requisite economic and social environment. Moreover, those responsible for crimes against civilians must be called to account.

We welcome the recommendations made by the Secretary-General in his report aimed at improving the protection of civilians in armed conflict. We reiterate the need to deal with various aspects of this problem, inter alia, the assumption by the Security Council and Member States of their political and legal responsibilities, with a view to resolving existing conflicts without the use of double standards and on the basis of the sovereign equality of countries and peoples, as specified in the Charter of the United Nations. It is necessary also to respect the specific features of each individual conflict.

In an effort to maintain peace and security, the media must play a greater role in disseminating the truth about conflicts and mass violations of human rights.

In this context, we wish to express our profound concern about the ignorance and silence of the international community, represented by the Security Council, with respect to the suffering of the defenceless Palestinian civilians at the hands of the Israeli occupation, which is committing criminal acts, blockading and destroying homes and the economic and social infrastructures. Israeli forces are violating the rights of civilians and taking hostages, including children, who are thrown into Israeli prisons, in addition to building more illegal settlements. All of those practices on the part of Israel are incompatible with the most fundamental principles of human rights and international law.

It is for this reason that we appeal to the Security Council and to the States concerned to shoulder their historical responsibilities, through, inter alia, the implementation of the Council's resolutions and the urgent dispatch of observer forces. We also call upon the Israeli Government to abide by the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Lastly, we call for urgent action by the United Nations, in particular the Security Council, and by other regional and humanitarian organizations, to peacefully resolve these problems and situations of occupation, through, inter alia, recourse to the International Court of Justice, with a view to finding an international solution to such problems. This would make it possible to mitigate the dangers threatening civilians in conflict areas and would also ensure peace and security at the regional and international levels. This is what we all are seeking.

The President: The next speaker on my list is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Sharma (India): We welcome your initiative, Sir, in calling this meeting. Because of your wise injunction against prolixity, I shall address only the recommendations in the Secretary-General's report. On the supporting arguments, I will only say that we should be wary where we advance the indefensible to protect the defenceless.

Having visited this ground twice before in the Council, our tour can be a brisk one. Recommendation 1 asks the Security Council and the General Assembly to provide reliable, sufficient and sustained funding for ad hoc international tribunals and related bodies. This is odd. First, the Secretariat must know that funding is one of the few areas which the Council has not yet appropriated under its broad definition of security; secondly, the General Assembly has already taken on the costs of the two ad hoc Tribunals, splitting them equally between the regular and the peacekeeping budgets. What, then, remains to be done?

When the Secretariat asks for more, we should carefully weigh whether these Tribunals give value for the money they already have. This year, they will cost $182 million. As an order of comparison, the United Nations regular budget will spend $10 million this year on the International Court of Justice; $39 million under the budget line "Economic and social development in

Africa"; and $21 million on the programme of technical cooperation.

Recommendation 2 reflects a continuing confusion over the nature and powers of peacekeeping. If a peace agreement has provided for amnesty, a peacekeeping operation sent to monitor its implementation cannot overturn any of its provisions and start hunting for suspects. That would violate the United Nations neutrality and its mandate. The United Nations can refuse to get involved if it believes an agreement is flawed, but cannot try to either correct or override it through a peacekeeping operation or through mandates drafted by this Council.

Recommendation 4 is hard to sustain under international law. The Security Council has been given no role in the implementation of the Geneva Conventions. The Conventions do not contain a right of unimpeded access. They acknowledge the exigencies of war. The right which the Secretariat demands violates international humanitarian law and the Security Council has no power to grant it. Apart from anything else, the denial of access need not and usually will not constitute a threat to international peace and security, the only trigger for Council action.

Recommendation 5 might very well appeal to the Council when New York is snowed in. However, though the Council has selflessly assumed many chores not given to it by the Charter, it should jib at being turned into a scout for the Office for the Coordination of Humanitarian Affairs.

Recommendation 6 seeks to draw general conclusions from exceptional experience; nor does experience encourage the general conclusion. The Secretariat asks the Council to further develop the concept of regional approaches to regional and subregional crises. In the past, the Council has often either sheltered behind regionalism to avoid having to take action or subcontracted its powers and abdicated its responsibilities to some regional organizations. These are concepts that should be abandoned, not developed.

Recommendation 7 encourages the Council to support the development of clear criteria and procedures for the identification and separation of armed elements from civilian refugees. Nothing in the supporting arguments gives us an inkling of what the Secretariat has in mind. To our perhaps simplistic way of thinking, a person with arms is an armed element and can be identified as such unless he or she has hidden the arms away. Separation is a different matter; it goes to the heart of the debate on the knotty question of post-conflict disarmament. The development of criteria, even if it can be done, is unlikely to help.

We note that the Department of Peacekeeping Operations and the Office of the United Nations High Commissioner for Refugees have agreed to deploy joint assessment teams to an emerging crisis area. This surprises us. Refugee crises do not necessarily need a peacekeeping operation and the Department of Peacekeeping Operations has no role where there is none. Departments should not overstep their mandates.

Recommendation 8 addresses a need but will not work if the past performance of the Secretariat is a guide. In all peacekeeping operations, the United Nations only interest is to cater to Western journalists and to a Western audience. The needs of the local population or of the peacekeeping operation are not only of marginal interest; they are prone to be sacrificed on the altar of this higher need. If this mindset does not change, this mandate is liable to be used much more in search of stories that will attract Western attention. The protection of civilians would be incidental.

Recommendation 9 is well-meaning, but it is clear that the problem has not been thought through. A dialogue can be held with armed elements that have become part of a peace agreement. If, however, there is no agreement, it is difficult to see how the United Nations as an institution would engage armed groups in a dialogue only on the provision of humanitarian assistance and protection.

Recommendation 10 is somewhat too romantic. It is hard to believe that the Revolutionary United Front would have stopped hacking off arms and legs in Sierra Leone or that the Taliban would have stopped shooting men for forgetting not to shave if they had known that these indulgences were banned in the Geneva Conventions.

As to recommendation 11, we hear the Security Council plans to take 15 members of the Economic and Social Council into a day-long embrace. The Secretariat wants the General Assembly to be represented, not even by a selection of its members, but by the President. Apart from the fact that the President of the General Assembly does not have the powers attributed to him here, where would he get the

information from, on the basis of which he would, as the Secretariat urges, alert the Council to situations in which action might be required? The President would have this information and a mandate only if the Assembly had adopted a resolution on the issue urging action by the Council and authorizing the President to play a role.

Recommendation 12 urges the Security Council to continue investigating the linkages between illicit trade in natural resources and the conduct of war, and to take appropriate action. As with the international tribunals, it is perhaps time to take stock before the Council takes further action. For instance, the panel of experts for the Democratic Republic of the Congo has asked that the United Nations Forum on Forests define and lay down the parameters for what they describe as "conflict timber". If the assumption is that the trade in illicit natural resources is a cause of war or of the violation of the human rights of civilians, it is facile and perhaps misleading. If the Council made mandatory a marking and tracing system for small arms and light weapons, more innocent civilian lives would be saved than through the elaborate controls now being devised for the trade in minerals and natural resources.

Recommendation 13 is too broad in sweep for practical application. It is impossible either to predict that there will be massive violations of human rights in any given conflict or to anticipate what the instruments used will be. In effect, this recommendation implies a trade embargo being automatically imposed on all parties to a conflict, including on legitimate Governments resisting insurrections.

This being April, we are not surprised that annex II to the report mixes memory and desire, but I wonder if we needed to disinter the recommendations of 1999. The exhumation does not add much more of interest. Recapitulation 1 of annex II is on steps to strengthen the United Nations capacity to deploy peacekeeping operations. We support this, but believe a well-trained and properly equipped national brigade, committed under the Standby Arrangement System, would be much more effective than the multinational formation the Secretariat favours. The report fondly highlights the High Readiness Brigade, but in the one mission to which it has deployed so far, it needed two and a half months to get there; it may have been high, but it certainly was not ready.

With regard to recapitulation 6 of annex II, as I said to the Council in 1999, there is no indication here that the consent of a Member State is required before international military observers can be deployed. The implication is that, wherever internally displaced persons or refugees are to be found, the Council would automatically act under Chapter VII and order the deployment of international military observers, even over the objections of a Member State. Since observers would need protection, an international military presence must necessarily be set up at the same time. The implications of this do not have to be spelled out.

Recapitulation 9 of annex II gives its blessings to a Commission on humanitarian intervention set up by a Member State, no doubt with the best intentions. Elsewhere, attempts are made, on spuriously religious grounds, to try to sanctify terrorism as holy war, under a false doctrine of religious intervention. Just as we would not expect the Secretariat to bless those initiatives, we expect it not to act as a publicist for any other State or group of States, or to endorse national preferences.

To sum up, we do not know if the report has advanced the cause of the protection of civilians in armed conflict. The Council has taken pragmatic steps in recent years to do what it can, through peacekeeping operations, where appropriate, and through other means within its competence, to try to give some protection to civilians affected by armed conflict. We encourage it to continue on that path in this vital and human responsibility.

In conclusion, I should like to say that, in your statement earlier today, Mr. President, you observed that the Council did not act on many of the recommendations in the Secretary-General's report of 1999, as they were outside the Council's mandate and competence or because of practical difficulties in implementing them. In making its recommendations in the future, the Secretariat will no doubt bear your wise counsel in mind.

The President: The next speaker inscribed on my list is the Permanent Observer of Palestine to the United Nations. I invite him to take a seat at the Council table and to make his statement.

Mr. Al-Kidwa (Palestine) *(spoke in Arabic)*: I congratulate you, Sir, on your assumption of the presidency of the Council for the current month. I express the hope that, during the remaining period of

your presidency, the Council will carry out important work relating to our region.

I should also like to pay tribute to your predecessor, the Permanent Representative of Ukraine, for his work last month.

I should like to make my statement in English.

(*spoke in English*)

We firmly share the belief that the protection of civilians in armed conflict is a matter of immense importance. The interest shown by the Security Council in this matter is appropriate and necessary, and we hope that it will continue until the protection of civilians in armed conflict is adequately ensured and taken seriously in all cases — and, I would add, without the selectivity caused by political considerations that leads to inaction.

We appreciate the second report (S/2001/331) on this subject, of 30 March 2001, presented by the Secretary-General to the Security Council upon the request of the Council, just as we appreciated the report (S/1999/957) of 8 September 1999. Both are important documents. However, we reiterate our comments during discussion of the first report; we are perplexed that the two reports fail to make any mention of the Israeli occupation of the Palestinian territory, or of the grave and serious breaches of the Fourth Geneva Convention, Additional Protocol I and the Hague Regulations being committed by the occupying Power.

We agree with the report that the rising number of internal armed conflicts around the world is a phenomenon to which we must direct greater attention. Nevertheless, there can be no serious consideration of the subject of the protection of civilians in armed conflict, and no serious attempt to apply international humanitarian law, without necessary attention being given to the case of foreign occupation. This is practically the entire sense of the Fourth Geneva Convention and Additional Protocol I.

With regard to the specific case of Palestine, the Secretariat should also have taken into consideration the longstanding dealings of the United Nations with the case, from the issue of the Palestine refugees to the ongoing Israeli occupation since 1967. In this regard, I refer to, inter alia, the many Security Council resolutions reaffirming the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, including Jerusalem; the existence of several resolutions specifically dealing with the need to provide protection to Palestinian civilians; and, finally, the convening, for the first time in the history of the four Geneva Conventions, of a Conference of the High Contracting Parties to the Fourth Geneva Convention on the situation, in accordance with calls made at the tenth emergency special session of the General Assembly. In addition, significantly, the Statute of the International Criminal Court — including a part on war crimes — has now been concluded.

On the other hand, it is very difficult for the Council itself to assert credibility, or claim success, in dealing with the protection of civilians in armed conflict at a time when it has repeatedly failed to effectively respond to the need of Palestinian civilians for protection, including the dramatic and urgent increase in that need during the past several months, beginning on 28 September 2000. We, together with many States Members of the United Nations and the majority of Security Council members, have indeed been trying to achieve something in this regard, even in a gradual, initial form — but to no avail.

In this regard, we would like to express our deep appreciation to the United Nations High Commissioner for Human Rights, Mary Robinson, the Special Rapporteur, and the commission of inquiry, for strongly underlining the need for a protection mechanism for Palestinian civilians in their recent reports — although, mysteriously, in her statement today, the High Commissioner for Human Rights did not even mention the situation in the occupied Palestinian territory.

In his note regarding this debate, the President of the Council suggested that we remain focused on the subject matter and make suggestions. Our focus is clear. It can be summarized in one word: compliance — compliance with the relevant instruments of international humanitarian law and human rights law, and compliance with the Security Council's own resolutions. I should like to add to that my earlier comments about the need to avoid selectivity, whether with regard to enforcing compliance or dealing with the matter as a whole. This includes ending what has become a culture of impunity in one specific case. Without this, we will be speaking honourable and strong words, but they will remain just that: words.

The President: The next speaker inscribed on my list is the representative of Malaysia. I invite him to

take a seat at the Council table and to make his statement.

Mr. Hasmy (Malaysia): My delegation congratulates you, Sir, on your assumption of the presidency of the Council for this month, and pays tribute to your predecessor, Deputy Foreign Minister Volodymyr Yel'chenko of Ukraine, for his outstanding leadership of the Council last month.

The full text of my statement will be circulated, and I shall now read out an abridged version of it, in compliance with your guidelines, Sir.

The Secretary-General must be commended for both his first report on the subject (S/1999/957) and his latest report (S/2001/331), particularly for the clear analysis of the problem and the equally clear recommendations contained therein. He has painted a stark picture of the reality faced by millions of civilians around the world in situations of armed conflict — people caught in the midst of war and in dire need of aid and protection — and has outlined the measures that ought to be taken to address the problem.

The Secretary-General has made a total of 54 recommendations: 40 in his earlier report and 14 in his current report. While they may not be exhaustive, they are comprehensive in nature and, in the view of my delegation, are realistic and practical recommendations that merit the urgent attention of the Council. They touch on virtually all aspects of the problem and on immediate and practical steps that could be taken to ameliorate the plight of the most vulnerable groups, such as women and children. As my delegation has no serious difficulty in supporting many of those recommendations that fall within the competency of the Council, I shall not make substantive comments on them, beyond urging the Council to consider them with the seriousness they deserve, with a view to their early implementation. We look forward to the early establishment of a Council working group to follow up on these and other recommendations.

The protection of civilians in armed conflict should be all-encompassing. Such people should not only be assured of their physical security in situations of armed conflict, but should also be provided with legal protection under international law. It is essential to ensure that existing international instruments and conventions that provide a legal basis for the protection of civilians be observed by all parties concerned. The perpetrators of crimes against civilians in armed conflict, especially of those categorized as crimes against humanity, must be made accountable for their actions: they cannot hope to escape the full penalty of the law even after the conflict is over. In that regard, the work of the international criminal tribunals already established for these purposes is particularly important and should be strongly supported.

What is required is that all-important ingredient of success, namely political will on the part of members of the Council to effectively follow up on the issue and to take the necessary measures to ensure the protection of civilians in conflict situations, and, in a broader context, to facilitate the resolution of these conflicts in a concerted, comprehensive and even-handed manner. The latter is particularly important, as the Council cannot afford to be selective in its approach. At the same time, a consensual approach in the Council is essential if these recommendations are to be effectively implemented.

Any meaningful discussion by the Council of protection of civilians in armed conflict cannot but also address the issue of the immediate protection of Palestinian civilians in the occupied Arab territories, including Jerusalem. The plight of civilians caught in conflict in the area, particularly Palestinian civilians, is germane to our discussion today. It is clear from the statement made just now by the Permanent Observer of Palestine, as well as from those of several other speakers such as the representatives of Egypt and of the United Arab Emirates, why that is so. The arguments are cogent and irrefutable, and my delegation fully associates itself with them.

While a number of the Secretary-General's recommendations, both in his first report and in his latest report, are applicable to the situation in the occupied Arab territories, I shall refer to only two of those recommendations. Recommendation 12 of his earlier report asked the Council to consider

> "deployment in certain cases of a preventive peacekeeping operation, or of another preventive monitoring presence". (*S/1999/957, para. 47*)

Recommendation 40 (e) of the same report referred to

> "The limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment". (*Ibid., para. 67*)

We strongly believe that the presence of a United Nations or international force to monitor the situation on the ground would have been a tangible manifestation of the Council's concern about the protection of civilians in conflict situations. Indeed, such a presence would be an important confidence-building measure, which would contribute enormously to the search for a lasting solution. Malaysia would once again urge the Council to give serious consideration to the establishment and dispatch of such a force. Security for the civilian population in that area should be for all, not just for one group of people, and if the authorities of the occupying Power cannot or do not wish to provide protection, then it is incumbent upon the Council to do so.

My delegation commends you, Mr. President, for revisiting this important subject and looks forward to concrete follow-up actions to this debate in the form of practical steps or measures to ensure the protection of civilians in armed conflict. The many excellent recommendations by the Secretary-General and proposals by Member States must be seriously considered with a view to their early implementation. In that regard, the remarks of the Secretary-General are particularly pertinent when he observes that

> "Reports and recommendations are no substitute for effective action. ... Progress in protecting civilians ... is measured in lives and livelihoods, and freedom from fear, rather than in statements of intent or expressions of concern". (*S/2001/331, para. 67*)

In taking up the challenge to move from generalities to concrete action, the Council should also take to heart what the Secretary-General remarks in his latest report:

> "Unfortunately, the realities of distressed populations have not changed, and the majority of the important recommendations in that first report have yet to be put into practice". (*Ibid., para. 2*)

As part and parcel of a more focused and integrated approach, my delegation would particularly welcome the proposal to engage and involve regional organizations and other international actors, notably those dealing with the protection of, and providing humanitarian support for, civilians in armed conflict. Also, as part of increased coordination and the establishment of a focal point, the Policy, Advocacy and Information Division of the Office for the Coordination of Humanitarian Affairs, which I understand handles this issue, should be further strengthened. That unit should work in close coordination with the Department of Peacekeeping Operations in the monitoring of conflict situations affecting civilian populations and in the implementation of measures to be approved by this Council. I am confident, Mr. President, that under your skilful stewardship an acceptable package of measures will be approved before you hand over the presidency to your successor.

The President: The next speaker is the representative of Pakistan. I invite him to take a seat at the Council table and to make his statement.

Mr. Ahmad (Pakistan): I would like to express our appreciation to the Secretary-General for his second comprehensive report on the protection of civilians in armed conflict (S/2001/331). I hope that the Council's debate today will help create better awareness amongst Member States of the gravity and complexity of the problem, which needs to be addressed as a matter of priority.

It is a matter of grave concern for us that violence against civilians in situations of armed conflict has reached alarming proportions and is directed in most cases against women, children and other vulnerable groups, resulting in the displacement of large masses of population. The excessively high proportion of civilian casualties in conflicts, as mentioned in the Secretary-General's report, and the distressing reality of tens of millions of refugees and internally displaced persons, indeed make for alarming statistics. I am sure that my good friend Under-Secretary-General Oshima is conscious of this bleak reality. Pakistan, which has carried the burden of Afghan refugees on its soil for more than two decades, is all too keenly aware of the plight of people forced to leave their homes. We therefore unequivocally condemn the targeting of civilians in armed conflicts.

Unfortunately, the targeting of civilians takes place in spite of the existence of internationally recognized legal principles which have evolved over the years to protect civilians, refugees and humanitarian personnel. It is our collective responsibility to ensure effective adherence to these principles of international law.

At the same time, it is also the obligation of the Security Council to take necessary measures to ensure

the protection of civilians. But we have seen the Council fail so many times in meeting this obligation. Rwanda and Srebrenica are painful reminders of what the Council could have done but was unable to do. Again, its recent failure to protect Palestinian civilians reflects the paralysis that afflicts the Council. The deaths of valiant Pakistani and Belgian peacekeepers in Mogadishu and Kigali, respectively, testify to the unrealistic mandates which United Nations troops are often called upon to uphold, even at the cost of their own lives.

While the Council can be faulted for not doing enough, it can also be criticized for not doing anything at all. The glaring example is that of Kashmir, where 70,000 innocent civilians have lost their lives during the last 10 years alone at the hands of a repressive occupying force. At times, the Council's decisions have even had an adverse impact on civilian populations rather than protecting them. For example, Security Council resolution 1333 (2000) on Afghanistan has actually endangered the lives of civilians by exempting one party from the arms embargo and emboldening it to continue the conflict. While people die and flee their homes, the Security Council has put its search for peace in both these conflicts on the back burner. How can we talk of learning lessons from past tragedies when we have not even begun to consider the resolution of the "forgotten conflicts" in Kashmir and Afghanistan? All efforts aimed at protecting civilians will remain futile as long as the Council fails to address the root causes of conflicts.

The Council's attitude towards the tragedies in Kashmir and Afghanistan reflects an arbitrary approach, far removed from the principles and values for which this body stands. No amount of lofty rhetoric can hide the humanitarian agony in both cases. Ironically, in the case of Kashmir, this Council has closed its eyes to its own resolutions pledging the right of self-determination to the people of Kashmir. In the case of Afghanistan, the Council has shown indecent haste in adopting resolutions to enact sanctions against 26 million innocent people.

And the conflict continues — in Kashmir because of deliberate inaction by this body, and in Afghanistan because of its precipitous actions. Both present tragic humanitarian scenarios — in Kashmir as a result of brutal oppression by the occupying force, and in Afghanistan as a result of the cruelty of sanctions and a one-sided arms embargo, which have scuttled the Secretary-General's peace initiative through his Personal Representative, Mr. Francesc Vendrell, and displaced nearly a million Afghans. Hundreds of thousands of these displaced Afghans have crossed into Pakistan during the past four months, joining the 2.5 million of their compatriots already living there as refugees. In this humanitarian crisis, we are blamed if we help them, and we are blamed if we do not.

As we keep staging debates in this Chamber, the world outside stands sadly disillusioned. People are groping for the idealism and moralism that inspired the vision of the United Nations Charter. Unfortunately, armed conflicts continue to rage in all parts of the world, causing human misery and hardship, affecting millions of people, civilian people. Why can we not prevent armed conflicts in time? Why can we not help resolve disputes? Why can we not heal the wounds caused by these disputes? And why can the Security Council not fulfil its Charter obligations of maintaining international peace and security?

While the Secretary-General's report will be closely studied by my Government, I would like to give our preliminary comments on its recommendations, as well as some of our suggestions. First, we support the Secretary-General's recommendations for the Security Council to engage with parties and carry out fact-finding missions for providing humanitarian assistance and protection to vulnerable populations. In this connection, we are appreciative of the contribution that Under-Secretary-General Oshima has been making in evaluating and highlighting the seriousness and magnitude of humanitarian tragedies, whether caused by natural disasters or man-made. In this regard, we would encourage the Council to go a step further and actively engage the armed factions to seek a peaceful solution to a conflict. Peace is the ultimate and only guarantee of security to civilians in any armed conflict.

Secondly, the focus of the international community should be devoted to conflict prevention and dispute resolution, as stipulated in Chapter VI of the United Nations Charter, so that conflicts which result in the targeting of civilians are not allowed to take place in the first instance. Root causes of conflicts must therefore be addressed.

Thirdly, the United Nations capacity to respond effectively to conflict situations should be strengthened, irrespective of geographic location, in order to provide protection to civilians.

Fourthly, we would like to see the Council actively, but objectively, involve itself in reviewing the humanitarian impact of its decisions, especially with regard to sanctions. I must say that there are no smart sanctions, nor targeted sanctions, only unjust sanctions. The Council must eschew adopting resolutions that only suit the self-serving interests of a few Powers.

Fifthly, when mandating the protection of civilians in peacekeeping operations, the Security Council should also provide peacekeepers with adequate resources and means to perform the task.

Pakistan is prepared, as always, to play its part in promoting international peace and security, whether in United Nations peacekeeping operations or in conflict prevention and dispute resolution in our region.

We reiterate here our commitment to the restoration of durable peace in Afghanistan through dialogue and conciliation, and to a final settlement of the Kashmir dispute in accordance with Security Council resolutions and the aspirations of the people of Kashmir.

In conclusion, I wish to refer to the Secretary-General's desire to work towards a culture of protection, and to his earlier call for the creation of a climate of compliance with the existing rules and principles. While, admittedly, the primary responsibility for the protection of civilians in armed conflict rests with Governments, it is also incumbent on the Security Council to fulfil its own obligations, as guarantor of international peace and security, to provide protection to all civilians in armed conflict. Only this will prevent the recurrence of human tragedies that we continue to witness to this day.

The President: The next speaker inscribed on my list is the representative of New Zealand. I invite him to take a seat at the Council table and to make his statement.

Mr. MacKay (New Zealand): I also wish to thank you, Mr. President, for scheduling this open debate on this important subject.

Like others, I also would like to commend the Canadian delegation for bringing forward the question of the protection of civilians during its recent term on the Council. It is now important that this item remain on the Security Council's agenda and that it be addressed regularly. The two reports presented by the Secretary-General, in September 1999 and March this year, have contributed greatly to our understanding of its many dimensions.

As we commented a year ago in the Council's debate on this topic, in practical terms a great deal depends on the ability of the Council to take speedy and effective action to restore peace and security when civilians are being targeted. We said then that the Council's response in the case of East Timor set a new benchmark in that regard. With more than 18 months' experience of the East Timor operation now behind us, that continues to be our view.

I want today just to pick up on three points in the Secretary-General's report. As to the first point, I would thoroughly endorse the Secretary-General's emphasis on a need for a regional, rather than a country-specific, focus in dealing with situations where civilians are being targeted, because the spillover effects, including through refugee flows, can be highly destabilizing beyond national borders. This is true in the South Pacific as it is elsewhere.

In the South Pacific we have, with our partners, responded to conflicts that have taken many civilian lives by establishing regionally based peace-monitoring operations, as in Bougainville, Papua New Guinea, and Solomon Islands. The United Nations role in helping to backstop such arrangements, as for example through its Political Office on Bougainville, is very much appreciated.

We consider the Secretary-General's recommendation that the Council establish more regular cooperation with regional organizations and arrangements to be highly pertinent for the reasons he puts forward, and we believe that it should be taken up.

As to my second point, the Secretary-General has described the indispensable role of United Nations personnel and non-governmental organizations (NGOs) in providing humanitarian relief and assistance to vulnerable people. He notes that the Inter-Agency Standing Committee is looking at strengthening cooperation on issues of staff security between the United Nations and NGOs at the field level; Mr. Oshima also referred to this earlier this afternoon. Indeed, one of the recurring concerns in the Secretary-General's report is the threat faced by United Nations personnel and other humanitarian personnel when they are trying to assist civilians in situations of armed conflict. As the Secretary-General points out, the death or injury of such personnel is a tragedy both for the

individuals directly concerned and for the civilians they are trying to protect, as it may lead to assistance being reduced or withdrawn.

This is not a new issue, and there was an open debate and a presidential statement specifically on this subject in the Council in February last year. At that time the Council encouraged all States to become party to the Convention on the Safety of United Nations and Associated Personnel of 1994. It is revealing that since that debate and that call by the Council just over a year ago, the number of States parties has almost doubled, with an additional 22 parties since that time, including some members of the Council. Calls by the Council do have an impact. Nevertheless, more than two thirds of United Nations members remain outside the Convention, again, including some members of the Council. In our view, a useful practical step that the Council could take would be to repeat its earlier call for adherence to the Convention, which plays such an important role in the protection of civilians.

There are other practical steps that can be taken as well. One is for the Council to ensure, in resolutions establishing operations, that they are covered by the Convention on the Safety of United Nations and Associated Personnel. Not all operations are covered — and, indeed, there are some recent examples of operations that have not been covered — but it is possible for the Council to ensure through its resolutions that they are covered. Nor are humanitarian personnel generally covered. But, again, they can be so long as the United Nations or a specialized agency enters into an agreement with the organization concerned. In our view, that should become standard practice. I would also note that our colleagues from Japan and Argentina, speaking in the debate before me, referred to action that should be taken in respect of the Convention, and we agree.

Finally, in this respect I would note the Secretary-General's comment that political and legal instruments available for the protection of civilians in armed conflict are in urgent need of updating. In our view, the Convention on the Protection of United Nations and Associated Personnel is one such instrument. A number of the delegations that spoke in the Council on this subject just over a year ago made the same comment, particularly in relation to the scope of the Convention. The debate in the Sixth Committee of the General Assembly later this year will provide a timely opportunity to review the Convention.

The third and final point I wish to take up is the Secretary-General's comment that children are especially vulnerable to the harm that conflict causes. He is right to highlight this concern. New Zealand welcomed the child soldiers Optional Protocol to the Convention on the Rights of the Child and also, as a practical measure, the appointment of Child Protection Advisers to United Nations peacekeeping missions in Sierra Leone and the Democratic Republic of the Congo. We believe that, as a practical step, the appointment of Child Protection Advisers should be a standard feature of all United Nations peace operations.

The President: The next speaker on my list is the representative of Bahrain. I invite him to take a seat at the Council table and to make his statement.

Mr. Buallay (Bahrain) *(spoke in Arabic)*: Allow me at the outset, Sir, to congratulate you on your assumption of the presidency of the Council for this month. I am certain that your experience will assist us in ensuring the success of the Council's work. I should like also to thank last month's presidency for the efforts deployed.

My delegation is pleased to be able to participate in the discussion of the item on the agenda, namely the protection of civilians in armed conflict. This debate is most timely. This issue has taken on particular importance in the past two decades and can no longer be neglected. In fact, the Council has dedicated several meetings to this subject.

Most of the time, wars and conflicts erupt when parties try to impose their authority on certain regions, leading to many casualties among civilians, who have nothing to do with these conflicts between armed forces. The situation is even worse when it involves a tyrannical force that targets defenceless civilians. Those who had suffered from the scourge of war and its tragedies attempted to enact laws preventing such actions, which led to the adoption of the Fourth Geneva Convention and its two Protocols.

In several cases, the Security Council shouldered its responsibility with utmost ease by sending a force to protect civilians and minorities caught up in the conflict. However, this has not been the case for the defenceless Palestinians, who need protection from Israeli brutality. This is so despite the fact that the Council has, on several occasions, recognized the applicability of the Geneva Convention to the situation

of defenceless civilians in the occupied Palestinian territories today.

The Council is dealing with the report of the Secretary-General on the protection of civilians in armed conflict, which, we find, does not mention the situation of the Palestinians. We would ask the Secretariat the reason for this omission.

Our second question deals with the Council's failure to shoulder its responsibility in implementing relevant resolutions aimed at putting an end to the Israeli occupation of Arab territories and those dealing with the protection of civilians in armed conflict. This is due to the Council's inability to put an end to the occupation and to provide protection for civilians. We therefore wonder what the Council intends to do, in particular in the light of the killings that are taking place on a daily basis in Palestine. It seems that the Council has no difficulty dispatching protection forces to other regions of the world.

My third comment deals with the recruitment of child soldiers in armed conflicts. It is the responsibility of the international community to enact laws in this respect and to see to it that restrictions are imposed on such actions, because we are dealing with children, not soldiers — civilians who have become involved in conflicts. The ban on their use aims to protect them.

Fourthly, there is a need to provide adequate health facilities for displaced civilians who are removed from areas of conflict. In several cases, when conflicts have dragged on, the temporary lodging provided them has become near-permanent, and, as a result, they have contracted diseases. I would ask the Secretariat if specialized agencies have undertaken to provide them with minimum sanitary conditions.

Fifthly, it is crucial to ensure the rehabilitation of displaced civilians by providing them with protection, education and employment. Failing this, there is a real danger that they might be dragged into the conflict. We should recall that the protection of civilians is not in any way limited to their transportation to places away from the conflict, where they can be exiled and forgotten, falling victim to fresh dangers.

Finally, if we look at the situation of civilians in various conflict areas throughout the world, we find that they are living in conditions that can only be described as inhuman. How can we accept this situation? There are dozens of international agencies and non-governmental or civil society organizations, and none of them can provide the most elementary services to those civilians? How can we remain silent? We know that those who are financing those agencies — that is, States organizations, and at times individuals — sometimes do not respect their commitments. But this cannot be tolerated when we are dealing with providing the basic necessities to civilians living in horrible conditions. Is the cause of the problem financial, logistical or political? Regardless, it is clear that this is a real problem for which we need an answer and a solution.

The President: The next speaker on my list is the representative of Australia. I invite her to take a seat at the Council table and to make her statement.

Ms. Wensley (Australia): Australia welcomes the latest valuable report of the Secretary-General on this issue of the protection of civilians in armed conflict, and I should like to thank you personally, Sir, for arranging this open debate and for the opportunity to speak on this topic.

Looking back on the first recommendation of the Secretary-General's earlier report on this subject in September 1999, many of the issues raised in that first recommendation have been addressed in the report of the Panel on United Nations Peace Operations, the Brahimi report, of August 2000. By implementing the Brahimi report, the United Nations membership will also help address this issue as well. For my Government, therefore, this only underlines the importance of moving forward as expeditiously as possible with the debate on and, more importantly, the implementation of the Brahimi report's recommendations.

It is late. I want to offer some very brief comments on some of the specific recommendations in the Secretary-General's report.

First, as to recommendations 1 to 3, we note the importance that Australia places on supporting the existing United Nations International Criminal Tribunals and on working for the establishment of an International Criminal Court. Adequate funding for these institutions must be a priority for the United Nations.

Another institution that is available to assist in addressing alleged violations of international humanitarian law, but one which has so far not been

utilized and to which we would like to draw attention, is the International Fact-Finding Commission which was established under Protocol I to the Geneva Conventions.

On recommendation 4, we think that measures taken in order to sustain safe access for humanitarian operations are equally important, but our own experience in peacekeeping operations is that there is no single approach. The measures that are necessary will differ depending on, for example, whether humanitarian operations commence in an insecure atmosphere or are already well established. Within a high-threat environment, we found that the most successful approaches involve the ability to build trust with different groups. In this regard, a peacekeeping force may have a critical role in developing close rapport, respect and trust between the various stakeholders, including through frequent meetings. Such measures will help develop a secure environment in which humanitarian assistance can reach its target. In an insecure environment, it has been our experience — including most recently in East Timor — that such engagement is most effectively facilitated and coordinated by the peacekeeping force. We also support the Secretary-General's encouragement of the Security Council to make more frequent use of fact-finding missions to conflict areas to identify the specific requirements for humanitarian assistance and protective arrangements.

On recommendation 6, we, too, are a very strong supporter of regional countries' taking responsibility for seeking to find solutions to conflict in their own regions and for consultation with the United Nations on relevant security issues. We have taken a lead in pursuing such approaches in our own region. Like my colleague from New Zealand, who spoke a moment ago, we consider the recommendation that the Council establish more regular cooperation with regional organizations and arrangements to be particularly valuable and deserving of strong support.

Recommendation 7 is more complicated. We believe that there needs to be further study, perhaps in the first instance by the Secretariat in consultation with Member Governments, for establishing clear criteria and procedures for the identification and separation of armed elements.

For the remaining recommendations, I wish to highlight our particular concerns for the protection of journalists and women and children, because the report makes it very clear that these particular groups have suffered dreadfully. Our efforts must give their protection priority. In this respect, we strongly endorse recommendations 9 and 10 on the dissemination of information on international humanitarian law and human rights law to all armed groups, with a clear expectation that they are required to respect such standards.

The Secretary-General's report has reminded us of the obvious — that much remains to be done to create a culture of protection in the world. I think my Canadian colleague said earlier today that we are really only at the beginning of this process. We find the Secretary-General's recommendations in the latest report as a whole to be sound and practical and we are committed to their implementation.

The President: The next speaker on my list is the representative of the Syrian Arab Republic. I invite him to take a seat at the Council table and to make his statement.

Mr. Wehbe (Syrian Arab Republic) (*spoke in Arabic*): It gives me pleasure, Sir, to congratulate you on your assumption of the presidency of the Security Council for the current month and for your valuable initiative of resuming the discussion on the question of the protection of civilians in armed conflict, which was first discussed in 1999. It is perhaps one of the most serious issues of global concern, especially as it relates to the core of international humanitarian law on armed conflict.

I should like to thank your predecessor, the Foreign Minister of Ukraine, for his stewardship of the Council last month.

What is of particular interest in this discussion is that it complements previous debates in the Council and that it follows upon the Millennium Summit, which emphasized in its Declaration our commitment to the United Nations Charter and its purposes, which are relevant for all times and all places. We will spare no effort to save our people from the scourge of war, be it within or among countries, which has claimed the lives of over 5 million people in the past decade.

In the Millennium Declaration, all Member States committed themselves to expanding the scope of protection of civilians in complex emergency situations and to enhancing such protection under international

humanitarian law. This will entail a great deal of work for the Council in that field.

In this regard, I should like to refer to the Secretary-General's report of 30 March 2001; before the Security Council in document S/2001/331. The report emphasizes the promotion of a culture of protection, the parameters of protection and measures to enhance protection. It contains 14 recommendations, which complement 40 others contained in the first report of the Secretary-General on the same subject, dated 8 September 1999. If they are heeded, implemented and reinforced by Member States, these recommendations can indeed strengthen and revitalize the mechanisms provided for in international instruments in order to enhance and expand the protection of civilians in armed conflict.

My delegation would like to raise some points in this regard. First, it is regrettable that the devil-aggressor is growing in its brutal power. On the other hand, the suffering and anguish of the civilian population caught in the armed conflict is increasing. Civilian victims now account for over 75 per cent of casualties, according to some reports, while other sources put that number at 90 per cent.

Secondly, despite the fact that over half a century has elapsed since the adoption of the 1949 Geneva Conventions on the protection of the victims of war, in particular the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and its Additional Protocols, and the fact that the vast majority of Member States have become parties to those Conventions, there is still a wide gap between their provisions and the implementation of those provisions in times of armed conflict. This fact was mentioned yesterday in a statement made by the former President of the United States, Mr. Jimmy Carter, at an environmental conference convened two days ago in Dubai, United Arab Emirates.

This fact requires the international community to move expeditiously towards the implementation of international instruments in order to ensure that physical and legal protection is provided under international humanitarian law. The basis for doing so is particularly strong since these instruments provide a legal foundation for the protection of civilians. Nonetheless, such instruments have not prevented brutal and atrocious attacks against civilians.

A question therefore arises: if the primary objective of the Security Council is to remove threats to peace, why are civilian suffering and tragedy increasing? Why are we witnessing serious threats to civilians, as they are subjected to forced displacement, blockades and starvation and are denied access to humanitarian relief aid and even access to the dead bodies of their relatives for burial in their homeland? Today's newspapers carry many examples of such stories in the occupied Palestinian territories.

Thirdly, given these phenomena, we believe that there is a need to discuss the two reports of the Secretary-General — the first, which was originally discussed in 1999, and the second, which is before us now. These reports must be discussed in the General Assembly and the Economic and Social Council, and each organ should address matters in the two reports that fall within its respective purview. Coordination is also required among the three primary organs of the United Nations, as well as among all the agencies and main bodies of the United Nations system, with a view to ensuring efficiency within a comprehensive and integrated approach. The United Nations would thus take on the role of coordinator.

Fourthly, my delegation had hoped that the scope of the response to hotbeds of tension and to violations of the rights of civilians in armed conflict, which covers areas of conflict in Africa, Asia and the Balkans, would be extended to cover the serious violations committed by Israel against the Palestinian civilians and all other civilians in the occupied Arab territories. It is clear that the current escalation of tension in our region, the resort to aggression, the use of force against the sovereignty of some Arab States and the continuous threat of the use of force, constitute a flagrant violation of the Charter, as well as of international humanitarian law.

We hope that in the future these benchmark reports will not disregard this chronic problem, which has been on the agenda of the Council for a very long time. Is there anything more important to the Council than the use of missiles, tank shells and bulldozers to destroy homes and evict the residents who are still inside? Is there anything more serious than striking terror into the hearts of children in order to drive them into perpetual misery and forcing peace-loving people to the brink of surrender? Is there anything uglier than collective punishment practised against civilians, or the closure of entire cities? Is there anything uglier than

the ethnic cleansing undertaken by Israel against the Palestinian civilians and other Arabs in the occupied Arab territories?

We do not understand this complete silence by the Security Council. Why is there such inaction and disregard for this grave humanitarian situation? We cannot understand the selectivity in appealing to human conscience on humanitarian grounds. We cannot understand why the Security Council has still not taken action, and what the humanitarian justification can be for the its failure to address the realities of this conflict and to respond to the need to protect Palestinian citizens in the occupied territories.

Will patience and caution be exercised here until all Palestinians have been liquidated through the use of the most lethal and advanced weaponry? I should like to remind the Council that in the Syrian streets as well as in other Arab streets the failure by some members of the Council to provide protection to the Palestinian civilians is construed as support and encouragement for the aggressor as it perpetrates its aggression. The continuation of that situation will indeed endanger regional and international peace.

Fifthly, in his report, the Secretary-General has focused on measures to enhance protection, especially through the prosecution of violations of international criminal law. In this regard, we would like to emphasize the need to prosecute war criminals and perpetrators of aggression as a means of providing protection, and to prosecute those who perpetrate the crime of the forced transfer of persons, replacing them with others. Again, this is typical of the situation in the occupied Arab territories, in which the people are evicted from their homes and settlements constructed for new settlers. In this regard, we would like to recall that the recent Arab summit in Amman reiterated what had been said earlier at the Cairo summit: there is a need to pursue the creation of an ad hoc court to prosecute Israeli war criminals who have carried out, and continue to carry out, massacres against Arab civilians in occupied Arab territories.

Sixthly, the Syrian Arab Republic stresses the importance of access to civilian populations in need, and of ensuring the safe delivery of relief aid. This requires that humanitarian assistance agencies and organizations act with objectivity, impartiality and humanitarian compassion in keeping with the provisions of the Charter, other international instruments and General Assembly resolution 46/182, and with complete respect for the sovereignty, territorial integrity, political independence and national legislation of States. Nor should such aid be used for political purposes.

All people — especially civilian populations caught up in armed conflict and subjected to foreign occupation — attach great importance to the existence of the agreements, recommendations and international instruments that have been created to protect them; but of even greater importance is the existence of sincere political will to respect those international instruments, covenants and resolutions.

Permit me in conclusion to express our appreciation for the contribution of the Security Council and its President, the Secretary-General and other effective Member States to enriching today's discussion of the protection of civilians in armed conflict. It is our hope that it will be possible to enhance the protection of civilians everywhere, including civilians in the occupied Arab territories, and that special importance will be attached to this question, in the interest of the maintenance of international peace and security.

The President: The next speaker is the Permanent Observer of the Organization of the Islamic Conference to the United Nations. I invite him to take a seat at the Council table and to make his statement.

Mr. Lamani (Organization of the Islamic Conference) (*spoke in French*): I join previous speakers in congratulating you, Sir, on your assumption of the presidency of the Security Council for the month of April. I am grateful for this opportunity to address the Council.

The report of the Secretary-General on the protection of civilians in armed conflict (S/2001/331) and its annexes underscore the vital importance of such protection and offer guidelines through practical recommendations that can make it better and turn it into a reality. The report notes that the realities of distressed populations have hardly improved since the first report of the Secretary-General (S/1999/957) of 8 September 1999, which itself had sketched a gloomy picture of the situation faced by millions of civilians held hostage as a result of the many armed conflicts in today's world.

The Secretary-General regretfully stresses that most of the recommendations made in his first report, which could have resulted in clear guidelines for conduct, have unfortunately not been followed up. The recruitment and use of child soldiers, the proliferation of light weapons, the unthinking use of landmines, the denial of fundamental human rights and the impunity enjoyed by those who commit such atrocities all continue. Even worse, the Secretary-General tells us that civilians are no longer merely incidental victims, but have become the main target of the forces involved.

Activities that could help protect civilians are of great diversity, but they are all intended to strengthen measures to that end. Each situation may be unique, but on the basis of past and present experience it is clear that the categories identified in the report deserve our attention; those defined as involved in protection should take all necessary steps, at the State level, at the level of civil society, nationally and internationally, to make it possible to carry out those recommendations.

The protection of civilians requires an integrated approach drawing on all elements that can be of assistance. It would be misleading to isolate any single dimension, because all the conflicts in question are not inter-State conflicts; very often they are complex internal conflicts.

The establishment of cooperation between the Security Council and regional organizations and arrangements, as suggested in recommendation 14 of the report of the Secretary-General, through the establishment of a regular regional reporting mechanism, would be very positive. Beyond keeping the Security Council informed, it would make it possible to formulate an acceptable definition of coordination between the United Nations system and regional organizations, and to establish clearly defined mandates for the participants in such coordination.

I cannot conclude without speaking of the tragic situation of Palestinian civilians in the occupied Arab territories. Under the pretext of protecting their own civilians — who are by the terms of international law in those territories illegally — Israel is denying such protection to Palestinian civilians. Irrespective of the nature of the Power involved, of the State concerned or of the geographical zone in question, the protection of civilians must be total. The Security Council must not be paralyzed by considerations unrelated to the protection of civilians. Any effort to do this will only undermine the effectiveness of the international community's efforts to bring about lasting peace and prosperity. Otherwise, the risk of failure is very real.

The President: The next speaker is the representative of Sierra Leone. I invite him to take a seat at the Council table and to make his statement.

Mr. Kamara (Sierra Leone): My delegation would like to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of April. I should also add that my delegation is pleased to see the representative of a sister Commonwealth nation directing the work of this body. Because of your charisma and your wealth of experience, my delegation has absolute confidence in your presidency for this month. I would like to assure you of our fullest cooperation in addressing the complex problems on the Council's agenda, especially those pertaining to Sierra Leone.

Allow me to also pay tribute to your predecessor, Mr. Yel'chenko, Deputy Minister for Foreign Affairs of Ukraine, for the efficient manner in which he conducted the affairs of the Council during the month of March.

My delegation welcomes the latest report of the Secretary-General on the issue of the protection of civilians in armed conflict, contained in document S/2001/331, and thanks him for such a well researched and comprehensive paper which espouses many things that are relevant to the current situation in Sierra Leone and to those of neighbouring countries.

My delegation particularly wishes to applaud Mrs. Fréchette, the Deputy Secretary-General, for such an excellent briefing, and especially for her visit to Sierra Leone, when, inter alia, she had a one-on-one dialogue with members of the rebel Revolutionary United Front (RUF) group and gained promises of cooperation from them as regards compliance with the terms of the ceasefire agreement.

My delegation carefully listened to and is appreciative of the statement made this morning by the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson.

The issue of the protection of civilians in armed conflict is, as mentioned in the Secretary-General's report, dependent on the circumstances and stages of the conflict in question. It is dependent also on the scope and magnitude of the protecting forces'

capabilities against the onslaught of enemy forces. We in the West African subregion have witnessed barbarism unknown to mankind since the Middle Ages, inflicted upon a civilian population by unrelenting rebel groups.

We have introspectively sought answers to the question of how a bona fide Government force during the height of a crisis would set up the appropriate mechanisms to protect its civilian population against a raging rebel force, devoid of morality and humanism, which is supported by external agents bent on facilitating the destruction of nation States.

We fully concur that, based on the need for humanitarian operations to be given urgent, safe, and unimpeded access to vulnerable populations in conflict areas, it is necessary for the parties to the conflict to engage in meaningful and constructive dialogue. However, it is also imperative for the Security Council to complement a Government's negotiating position in its efforts to actively engage an armed rebel faction by further strengthening the respective mandates of peacekeeping operations. Through the granting of more robust mandates, hinging on peace enforcement, to peacekeeping operations, certain armed groups will eventually realize that confrontation with an effective instrument of the world body may be an exercise in futility and will comply with the requests for safe access for humanitarian aid agencies to the vulnerable groups.

My delegation is particularly concerned about the issue of external actors, be they from the private sector or from political circles, who actively render support to these armed rebel groups in order to perpetuate their nefarious activities in the exploitation of mineral resources. The threat of the use of sanctions that would be a direct blow to their operations should be strongly emphasized and swiftly carried out, with very little warning given to those external actors. Third entities also participating or having an indirect relationship with the conflict should also be appropriately advised of the applicability of sanctions to their respective interests. Such coercive measures would doubtless enhance and ensure compliance with the requirement to withdraw support for the forces of destruction.

The Council, in such cases, should be very decisive in its actions and avoid unnecessary delays in implementing enforcement measures. Very little breathing space should be allowed before the imposition of arms embargoes wherever armed conflicts erupt on a grand scale, and the respective customs authorities and civil forces of Member States should be placed on constant alert to ensure that the proper end-user certificates are issued whenever shipments of weapons are being made.

My delegation strongly believes that civilians, especially the young, women and the sick must be protected in all conflicts, be they inter-State or intra-State. We strongly believe that those who perpetrate atrocities against an unarmed civilian population must be brought to account for their atrocities. My delegation also believes that international law is the best way to accomplish such action. In this regard, my Government supports all measures, at both the international and regional levels, to bring the perpetrators of crimes against an unarmed and defenceless civilian population to account for their actions.

This, in a nutshell, is my delegation's view on the protection of civilians in armed conflicts.

The President: I thank the representative of Sierra Leone for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Iraq. I invite him to take a seat at the Council table and to make his statement.

Mr. Al-Douri (Iraq) *(spoke in Arabic)*: Mr. President, at the outset, I would like to thank you for organizing this open meeting on the protection of civilians in armed conflict. I would like to pay tribute to the continuous efforts made by the Secretary-General, who has shown a great interest in this issue and in disseminating the culture of protection. We trust that this debate will yield concrete results in helping to protect civilians in armed conflict, regardless of the nature of the conflict, internal or external, and whether it is the result of external aggression or not.

There is no doubt that this question falls within the context of one of the basic purposes of the United Nations — to protect future generations from the scourge of war. The issue has been of concern to the international community, which has adopted a large number of international conventions, including the Geneva Conventions and the Protocols thereto.

In a first report (S/1999/957) of the Secretary-General, submitted pursuant to a mandate given to him by the Security Council in February 1999, he produced

a set of recommendations on how to protect civilians in armed conflict. Then, in a second report (S/2001/331) submitted now to the Council, the Secretary-General, while noting that unfortunately, only a very few of the original 40 recommendations have been implemented, nevertheless submits new recommendations to us. In our view, unfortunately, the fate of the new recommendations will probably be no better than that of the earlier ones. Accordingly, it is our conclusion that the international community does not have the necessary capability to protect civilians. We do not question the capacity of the Council, nor do we question its interest in this issue; but, because of its very composition, it is concerned primarily with protecting the interests of certain member States, particularly the most influential Members of the Organization.

Past experience in the Council provides startling evidence of its double standards in this respect. There has been some slowness, some hesitation, in what it has done in Africa, in the Great Lakes region in particular, while thousands if not millions of innocent people have died there. However, we all remember how speedily and enthusiastically the Council took action on other occasions in other places for reasons that later became clear — at least in some cases. Some States that are members of the Council carry out acts of aggression against other States without mandates from the Council, on the pretext of protecting civilians or based on the so-called principles of humanitarian intervention. However, what these States are actually doing is pursuing their own political and economic goals and interests. There are innumerable examples of this; Yugoslavia and Iraq are only two of them. This is why the matter before us must be approached cautiously.

The loftiest, most ideal, most humane objectives cannot serve as a pretext for intervention in the internal affairs of a State, infringing on its sovereignty and political independence or threatening its territorial integrity. These are basic principles of the international community. They are the very foundation of peace and security in the world. Respect for and strengthening of these principles will ensure protection for all peoples. This is why it is necessary for the "culture of protection" mentioned in the Secretary-General's report to take into account these principles, so essential to development, stability, progress and peace. Violation of these principles gives rise to conflict and war.

It is ironic that at a time when the Council is dealing with the issue of the protection of civilians in armed conflict, the Palestinian people living in the occupied territories are victims of the most offensive form of oppression, perpetrated by the occupying Israeli authorities. That oppression has spared neither persons nor material goods. Nor has it spared values. Terrorism is accompanied by the murder of children, who represent the future of Palestine. The destruction of houses and property is also taking place, along with great flows of displaced persons and refugees and flagrant violations of international humanitarian law and of human rights. All of this is perpetrated daily by the occupying forces, while nothing is done to deter them.

Members of the Non-Aligned Movement, which represents about two thirds of the peoples of the world, have for six months now attempted to convince the Security Council to adopt a resolution containing a provision to protect Palestinian civilians. But that effort is constantly opposed by the United States of America. I can only express my surprise here at the absence in the report of the Secretary-General of any reference to the suffering of the Palestinian people, although a number of examples are given in the report pertaining to the issue of the protection of civilians.

At a time when the Council is considering the matter of protection of civilians in armed conflict, two of its permanent members — the United States and the United Kingdom — are flouting the basic provisions of such protection by carrying out daily military action in the so-called no-flight zones in the northern and southern parts of my country, Iraq. They are doing this without any mandate from the Security Council and without any basis in the Council's resolutions. Hundreds of civilians have fallen victim to that aggression. The economic and developmental infrastructures of our country have been destroyed. But the Council has done nothing, even though the Iraqi Government has submitted an average of a letter a week to the Council and to the Secretary-General in which it describes the activities carried out against it and refers to the political and legal aspects and calls for compensation. Those letters have also referred to the humanitarian and environmental devastation resulting from the 1990 war and, in particular, to the use of depleted uranium.

We must also recall the sanctions that have been imposed against Iraq since 1990. Iraq is suffering not

only from economic sanctions, but also from a complete and total embargo that affects every aspect of our lives. This is just one side of the war being waged against Iraq by those States that insist on keeping sanctions in place. We must remember that the devastating impact of sanctions on children and infants has been documented by agencies of the United Nations itself and has been reported to the Security Council. No one can fail to be aware that civilians, women and children in particular, are the first to fall victim to this silent war. All this is taking place while the Council itself is silent. When it does speak, it merely manifests the interests of some of its permanent members.

In conclusion, let me say that dealing seriously with the issue of the protection of civilians in armed conflict in a positive and concrete way would entail going to the very heart of the matter, namely, the causes of conflict. The principal causes of conflict include poverty, underdevelopment, disease, uneven distribution of wealth, hunger, the exploitation and looting of resources, the instigation of ethnic and religious conflicts, the imposition of others' values and interests, aggression and embargoes. All of these things are being carried out by certain influential States that are permanent members of the Security Council. If we do not face up to these problems and essential issues, I do not believe the international community will be able to deal effectively with the issue of the protection of civilians in armed conflict.

The President: The next speaker inscribed on my list is the representative of Mexico. I invite him to take a seat at the Council table and to make his statement.

Mr. Navarrete (Mexico) (*spoke in Spanish*): My delegation appreciates the opportunity you have given us, Mr. President, to express our views with regard to an issue that, sadly, has great currency due to the fact that it reflects an unhappy reality: the multiplication and escalation of armed conflicts and their effects, particularly the acute suffering they bring to the civilian populations of affected countries and regions. In this connection, an examination of the report of the Secretary-General is both a timely and urgent task in order to attempt once again to bring an end to situations that are increasingly more serious and intolerable. I shall refer to some of the recommendations made by the Secretary-General.

A powerful deterrent to violence committed against civilian populations is the prospect that those responsible for serious violations will be brought to justice. My country has stated that Mexico's non-participation in the election of judges to special tribunals is in no way an indication that it tolerates impunity. On the contrary, Mexico has just set a precedent with regard to the universality of jurisdiction in the prosecution of crimes against humanity.

My country recently approved the extradition, requested by a third State, of a foreigner detained in Mexico accused of having committed genocide, torture and terrorism in his country of origin. Once the extradition is carried out, for the first time, the courts of a country making an extradition request will be able to try a person accused of having committed crimes against humanity in another State and who was arrested in a third country. It is in this way that, as the Secretary-Generals' report states, safe havens for mass murderers and torturers are disappearing.

I would now like to refer to the recommendation on the need for greater contact and interaction between the Security Council and the General Assembly, and between the Presidents of those two bodies. Any information that the President of the Assembly can provide the Council will no doubt serve to inform the judgement of the Council. My delegation suggests that such contacts not be limited to the monthly meetings already held by the Presidents, but that they take place as circumstances warrant. This should really be considered a two-way street, for the President of the Council can also keep the General Assembly informed on a regular basis.

My delegation welcomes this proposal to strengthen the links between these two principal organs of the United Nations, which clearly reflects the letter and the spirit of the Charter.

Mexico acknowledges that it might prove useful to involve, as recommended, regional organizations in the work of peacekeeping operations. However, Mexico considers that this involvement can be envisaged only with those bodies whose constitutive instruments provide specifically for such collaboration.

Another element that I would like to stress is the need to respect at all times the agreed principles governing the provision of humanitarian assistance. My delegation would be very concerned if, in an attempt to implement some of the recommendations contained in

the report, the impartiality and neutrality of United Nations operations were to be compromised, as these principles are essential to guarantee the legality and ensure the success of these operations.

Let me conclude by underlining the fact that, as the report states, the international community must move towards a culture of protection, in which international organizations, national Governments, armed groups and civil society would fully discharge their respective responsibilities to reduce and eliminate violence against civilians. All of those actors must also initiate and pursue political processes of dialogue and negotiation leading towards a culture of prevention, in order to avert the emergence of violent conflicts.

The President: The next speaker is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

Mr. Thayeb (Indonesia): Sir, I would like to express my delegation's congratulations to you on your assumption of the presidency of the Security Council for the month of April and our appreciation for the convening of this open debate to renew the Council's consideration of the agenda item before us.

While welcoming the Secretary-General's report, my delegation realizes that during this brief intervention it may not be possible to fully express our views concerning its contents. The report contains a cogent analysis and recommendations that deserve further consideration. In these endeavours, it is of paramount importance that the principles of territorial integrity and the sovereign equality of all States, the provisions of the Charter, and other relevant international declarations and resolutions be faithfully and strictly observed.

We agree with the Secretary-General's view regarding the complexities involved in the protection of civilians in armed conflict, especially when the nature of such conflicts becomes somewhat convoluted and multidimensional. In this regard, a careful and comprehensive assessment of an armed conflict should be conducted before any action is taken.

Specifically, the United Nations system can and should be of assistance by complementing the efforts of Governments in extending humanitarian aid and in post-conflict peace-building in areas such as rehabilitation, reconstruction, resettlement, voluntary return of refugees to their homes, and reconciliation efforts.

While the responsibility for the protection of civilians rests with Governments, we cannot forget that irregular armed civilians have often intentionally targeted civilians or exploited them as human shields to elicit condemnation against Governments. Council resolution 1296 (2000) recognizes that civilians account for the vast majority of casualties inflicted by armed elements. It is therefore incumbent upon the international community to send an unmistakable message on a culture of protection to irregular combatants, who are similarly accountable for their unlawful and destructive actions. States, for their part, have to overcome these burdensome challenges, often under unique circumstances, in order to open channels of communication based on dialogue and cooperation with all segments of society.

The report also makes clear that there are often so-called part-time combatants, who make it almost impossible to differentiate between those who are genuine civilians and those who are armed criminals in disguise. No society can tolerate such disruptions to law and order. Hence, it is the responsibility of Governments to take the necessary measures to maintain security and stability within their respective territories, which requires the full support of the international community.

With respect to enhancing the protection of civilians in and around refugee camps, my delegation takes note of the idea of separating armed civilians from internally displaced persons and refugees. However, we share the view expressed by delegations which spoke this morning that such a separation is not an easy task and is replete with complexities.

We are saddened by the fact that humanitarian agencies often become targets themselves in a conflict situation. My delegation believes that there is a need to protect personnel involved in humanitarian assistance and that it is imperative that those agencies should continue to work in a neutral and impartial way. Furthermore, cooperation, on an equal basis, between national and international non-governmental organizations is essential in making the maximum use of such assistance.

As regards fact-finding missions, my delegation is of the view that the conduct of such missions should be based on the consent of the countries concerned.

External involvement may not necessarily facilitate the finding of durable solutions and could even create some unintended complications. For this reason, the recommendation on this issue calls for careful study and scrutiny.

In developing regional approaches, as recommended in the report, regular consultations should be held with various regional organizations. Inputs from those organizations have proved valuable and have the potential to be more contextual and viable. We support the Secretary-General's recommendation on the need for intensified cooperation between the United Nations and regional organizations and arrangements, with a view to ensuring informed decision-making, the integration of resources and the use of their comparative advantages.

The role of the media and of information in conflict situations is double-edged. One the one hand, they can provide a better picture of the conflict situation, allowing the deployment of peace operations or humanitarian assistance to be viably designed and also contributing to the promotion of inter-communal unity and preparing the way for national reconciliation. On the other hand, information can also be misleading, exacerbate situations and be dangerous, especially when its contents are partial, incomplete or one-sided. While we acknowledge the positive role of the media, we believe that efforts should be made to provide information that is comprehensive and balanced, not based on hearsay or partial sources.

Finally, it is important to emphasize the integration of the Security Council's efforts for the protection of civilians in armed conflict with those of other relevant agencies or bodies of the United Nations. Such a strengthening of cooperation will undoubtedly facilitate the development of more effective and better-coordinated action for the protection of civilians in armed conflict.

Mr. Lancry (Israel): At the outset, I wish to congratulate you, Sir, on your assumption of the presidency and your predecessor, the representative of Ukraine, for his most able leadership.

I wish to further thank the Secretary-General for his excellent report on the protection of civilians in armed conflict. Indeed, "protection" does not appear to be the right word here, because, as the Secretary-General himself points out, civilians have gone from being the incidental victims of warfare, in need of protection, to being the principal targets of armed conflict. Israel welcomes this report and many of the recommendations it makes for improving the situation of civilians in areas of conflict.

Israel further supports the broader efforts to update the political and legal instruments available for the protection of civilians. The world has changed dramatically in the last decade alone, and the ways in which the international community addresses these issues of prime humanitarian importance must be brought into accord with the prevailing conditions of our times. The State of Israel has a longstanding interest in the development of international humanitarian law. As a nation which lost one third of its population in the Nazi genocide in Europe, in the most heinous case of genocide in human history, Israel's own birthright is engraved with a particular responsibility to prevent this crime from occurring ever again to the Jewish people or to any other people, as well as with a universalist commitment to combat genocide, crimes against humanity and war crimes wherever they occur. We were reminded of this special responsibility just last week on Holocaust Martyrs and Heroes Remembrance Day, the day when the State of Israel and Jews worldwide remember those who perished at the hands of the Nazis.

We therefore share the belief of the Secretary-General that international standards of protection should be given the force of law. Israel has been actively engaged in efforts aimed at establishing the International Criminal Court. I had the honour this past December of applying my signature to the Statute of the Court, symbolizing Israel's identification with the aims which underlie international efforts to prosecute and punish those who commit genuinely heinous crimes.

In our region, however, we see opposing forces at work. In the territories of the Palestinian Authority, convicted terrorists have been freed, released as part of the Palestinian effort to stoke the flames of confrontation and encourage violent terrorist activities. Those terrorists who once sat in Palestinian prisons are presently engaged in planning and implementing terrorist operations aimed at Israeli civilians. Even more distressing is the fact that official organs of the Palestinian security apparatus are now also engaged in the terrorist campaign against Israel, with no significant effort expended by the Palestinian leadership to bring such operations to a halt.

In Lebanon, similar freedoms are granted to violent terrorist groups. The terrorist organization Hezbollah has long operated with near-complete impunity, launching Katyusha rockets from its bases in South Lebanon at towns and cities in northern Israel. Residents of communities that are within range of Hezbollah's weaponry have learned to live with the persistent threat of rocket attacks and the reality of long days and nights in bomb shelters. Israel had hoped that its withdrawal from Lebanon last May, in full and confirmed compliance with resolution 425 (1978), would have halted these attacks and moved the Government of Lebanon to fulfil its obligations under international law to seize control of the area and restore its effective authority up to the line of withdrawal. Unfortunately, one year later, this has yet to occur.

As recently as 14 April, Hezbollah carried out an attack which killed an Israel soldier. This comes in addition to the killing of two other Israeli soldiers and the kidnapping of three others since the completion of the Israeli withdrawal. The organization continues to enjoy virtually complete freedom of movement and action in South Lebanon. Not only have the Lebanese and Syrian Governments granted Hezbollah free rein, but they actively encourage and support their activities, permitting arms transfers from Iran to Hezbollah to pass through their territory and facilitating the growth of an elaborate terrorist infrastructure. It is the Governments of Lebanon and Syria which are preventing the full implementation of resolution 425 (1978) and subsequent resolutions and whose actions are directly endangering the lives and well-being of civilians in northern Israel.

In light of the actions of these Member States, which actively support terrorist operations against Israeli citizens, we deeply regret that an issue of such importance to all individuals of conscience, which affects the lives and well-being of so many innocent civilians around the world and which the international community is morally obliged to address with resolve and alacrity, has been appropriated by several Member States to launch biased attacks on my country.

Though one would never know it to listen to today's speakers, Israelis and Palestinians alike have suffered from the current violence. And yet, many of the statements today have simply ignored Israel suffering. More significantly, they miss or perhaps have deliberately ignored a critical distinction. The Secretary-General's report refers to civilians who have been harmed by either being targeted by or being situated in close proximity to violent and armed groups. This aptly describes the situation of Israeli civilians, who have been killed while travelling to and from work, riding public transportation or shopping for groceries in the market. Conversely, when Israel is compelled to respond to defend its own citizens from violence and terror, in many cases it gives prior warning to the Palestinian side so as to minimize any harm that may come to civilians. And while we deeply regret the suffering and casualties that have come to the Palestinians, it must be stressed again and again that they are suffering first and foremost as a result of their own misguided decision to engage in violent confrontation, rather than to continue with peaceful negotiations.

Many of the characteristics of contemporary conflicts described in the report apply directly to the current situation in Israel. We are in what the Secretary-General refers to as a "grey zone between war and peace", with armed conflict erupting sporadically, intensifying and then subsiding. Concerns have also arisen regarding the use of children in armed conflict, the proliferation of small arms, the targeting of women and children, impunity for atrocities and the direct targeting of civilians. All these are covered in the Secretary-General's report and all characterize aspects of the current hostilities. In light of the relevance to Israel's particular situation, as well as of the broader descriptions of modern warfare which apply more generally, Israel endorses many of the recommendations of the Secretary-General in this regard.

In particular, Israel fully supports the Secretary-General's focus on the misuse of information, the proliferation of hate speech and hate media and its role in fomenting conflict and igniting mass violence. Israel has repeatedly drawn attention to the role of Palestinian media incitement throughout the period of the current violence, and its contribution to fostering a culture of violence and hatred of Israel and Jews. The Egyptian press has also been a major promoter of anti-Semitic diatribes and cartoons that are disturbingly reminiscent of the anti-Jewish propaganda once prevalent in Nazi Germany. On 18 April, the day when Israel honoured the memories of the innocent victims of the Nazi Holocaust, Ahmed Rajib, a senior editor, wrote, in the Egyptian newspaper *Al-Akhbar*:

> "We thank the late Hitler for avenging the cause of the Palestinians in advance against the most contemptuous criminals on earth. Even more, we rebuke Hitler for not taking revenge on them to a sufficient degree."

In Syria and other Arab nations, anti-Semitism and Holocaust denial, and calls for jihad and the murder of Israelis and Jews, remain the order of the day. President Bashar Al-Assad has no scruples about equating Israelis with Nazis. Even his late father, President Hafez Al-Assad, despite all the bitterness and frustration generated by the Syrian-Israeli conflict, never used such an unbearably heinous analogy.

We support the Secretary-General's assertion, in paragraph 40 of his report, that the best antidote to hate speech and incitement to violence is the development of free and independent media serving and reflecting the needs of all parts of society. We further support the statement of the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, who remarked on the media's ability to promote diversity and respect for others, and on how unfortunate it is that such powerful technologies are used to stir up hatred and violence instead. We join them, as well as members of the Council, in condemning this shameful practice.

Unfortunately, in many neighbouring countries the media remain the sole purview of Government authorities, and as such are manipulated to dispense propaganda which reflects the interests of the authorities over the interests of the truth. In many instances, journalists attempting to photograph events are harassed and threatened, as was the case with several journalists who were on the scene during the lynching of two Israeli soldiers in Ramallah last October.

I wish to conclude by enjoining my colleagues and the Member States of the United Nations to look closely at the current report of the Secretary-General and to lend their full and unqualified support to international efforts aimed at minimizing the adverse effects of armed conflict on civilians, developing and strengthening international legal instruments to prosecute those who violate international law and basic humanitarian norms and contributing to a culture of protection, transparency and objectivity that will serve the noble and timeless aims for which this Organization was created.

The President: The next speaker on my list is the representative of Nepal. I invite him to take a seat at the Council table and to make his statement.

Mr. Sharma (Nepal): I should like to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of April, and commend you for convening this public debate on the important question of the protection of civilians in armed conflict.

Innocent civilians bear the brunt of the impact of violence in armed conflict. Combatants use ordinary people as shields, for shelter and as hostages to gain an advantage, treat them as objects for physical exploitation and subject them to psychological warfare to drive their point home. Conflicts result in the massive violation of the human rights of the civilian population, particularly of women, children and other vulnerable groups. In inter-State conflicts, assigning responsibility is relatively easy. But in internal conflicts, which are more frequent now, holding non-State actors that are perpetrating crimes against the civilian population accountable for their actions has become increasingly complex.

Protecting civilians in armed conflict, therefore, becomes an issue of monumental concern and of cardinal importance to the United Nations. The challenge we face is twofold: preventing conflict through the peaceful resolution of disputes and safeguarding the interests of civilians in armed conflict.

Preventing conflict through the peaceful resolution of disputes is the best way to protect civilians from the consequences of conflict, and our focus should concentrate on doing just that.

Empirical evidence suggests that it is mostly poor countries that get caught up in a vicious cycle of poverty and conflict. Social problems, often fomented by unscrupulous and greedy elements, find fertile ground to flourish in situations of poverty and deprivation. The ultimate objective of the international community should therefore be the elimination of the very root causes of conflict.

We live in a terribly imperfect world where conflicts break out with unpredictable certainty. Our response to them should therefore be predictable, and not uncertain, so that it can work as a deterrent. As we strive towards the long-term objective, we must also be

prepared to contain conflict and deal with its consequences once it has broken out.

I should like to pay tribute to the Secretary-General for his two excellent reports under the agenda item before us. In the reports, he underlines the imperative to build a culture of protection, and recommends a number of measures, with varying policy significance, to protect civilians in armed conflict. These recommendations deserve our serious consideration and phased implementation, as practicable. But I should like to focus on some of the measures that I believe will be of practical value to us. They relate primarily to strengthening the mandates and building the capacity of United Nations human rights and refugee agencies, bringing the perpetrators of crimes against civilians to justice, formulating optimal peacekeeping mandates and fostering inter-agency cooperation and coordination to achieve these goals.

Human rights promotion and the implementation mechanisms of the United Nations and its Member States are the means to provide early warning of conflict in the making and the first line of defence in preventing conflict and in protecting civilians once conflict has broken out. The United Nations needs to foster greater cooperation among its various agencies and with Member States and civil society so as to strengthen these valuable mechanisms.

Once conflict has broken out at home, people should have the opportunity to seek refuge elsewhere. But often they are faced with a choice between the frying pan and the fire. Conflict will not let them stay at home, and the likely country of refuge will not welcome them. This puts people squarely in harm's way. If refugees have freer access to safety, their protection will be significantly enhanced.

Buttressing the mandate and enhancing the capacity of the Office of the United Nations High Commissioner for Refugees are critical for the protection of civilian populations in conflict situations. To that end, the Geneva Conventions should be strengthened and universalized, and the Office should be equipped with financial and human resources to provide care and maintenance to refugees in need as well as to repatriate refugees and resettle them once the conflict back home has subsided.

Although providing protection to displaced persons is widely recognized as a pressing issue for the international community, its modalities pose a thorny but genuine question of sovereignty. In a situation of internal conflict, a State adrift in chaos will hardly be able to take care of internally displaced persons. We should work collectively to find a way to provide increasing protection for internally displaced persons with international assistance, without, however, encroaching on the sovereignty of the country concerned, which is a touchy issue.

There is a lot to be said about the mandates of peacekeeping operations. At times, they are politically motivated, sometimes unduly broad or narrow, and sometimes unnecessarily harsh or soft. The Security Council should evince a readiness to address the criticism it often faces for being too secretive or preoccupied or for acting as a loner. A little effort to reach out is likely to work wonders to bring synergy in promoting global peace and security, and in protecting civilians in conflict.

The rapid deployment capability of the United Nations needs to be strengthened so that military personnel, civilian police, civil administrators and humanitarian personnel can be quickly deployed to prevent a conflict from flaring up and to provide timely humanitarian assistance, if necessary. For a durable peace, measures to disarm, demobilize and reintegrate should be incorporated into peacekeeping mandates, where appropriate.

The culture of impunity emboldens the perpetrators of crimes against innocent civilians. It is fundamental that such people must have the fear of retribution and indeed that they must be brought to justice. Again, this involves a delicate balance between the need to dispense justice and inducing parties to a conflict to come to the negotiating table. In that context, we applaud the balance between the soft option of truth and reconciliation commissions and the work of the International Tribunals for Rwanda and for former Yugoslavia, as well as the establishment of the International Criminal Court, with an appropriate mandate.

The Security Council, though entrusted with the mandate of maintaining international peace and security, cannot do it alone, especially at a time when the nature of conflict has changed from inter-State to intra-State. It is not enough to restore calm in failed or failing States. Wider support is needed to address the challenges of nation-building, involving a

multidisciplinary and holistic approach — something the Security Council by itself has neither the mandate nor the competence to do. Therefore, to achieve that lofty goal, the United Nations ought to foster cooperation and coordination among its relevant organs, agencies, funds and programmes, as well as with regional organizations, the Bretton Woods institutions, the World Trade Organization, the private sector and civil society.

Let me conclude by emphasizing that the Security Council must demonstrate its willingness and conviction to work with stakeholders to prevent conflict and to protect civilian populations in times of armed conflict. We should also redouble our efforts to collectively address the root causes of conflict, which will obviate the need to tackle recurring problems. By doing this, everyone wins. And the biggest winners will be those people of the world whom the United Nations is committed to serve.

The President: The representative of the Syrian Arab Republic has asked to make a further statement. I invite him to take a seat at the Council table and to make his statement.

Mr. Wehbe (Syrian Arab Republic) (*spoke in Arabic*): I had honestly not expected to be taking the floor for a second time this evening, but after the usual statement by the representative of Israel — the usual statement made in many forums — which included lies and false accusations against my country, I feel obliged to reply, and I beg the Council's indulgence.

That representative made several allegations and offered many unsubstantiated accusations against my country. Outside the Council Chamber I expect that; I am used to it. That representative may have forgotten that his country always attempts to cover up its crimes by trying to assign blame to others by any means possible. The Council has heard many statements made by Arab and other representatives, condemning Israel's aggression and violations; these fill volumes of the records of the United Nations, quite apart from the voluminous resolutions adopted by the Organization, which go unheeded by Israel. And today, he spoke again. One must wonder about the reasoning behind this.

All representatives have called for an end to Israeli aggression against the Palestinian people; they have all demanded that Palestinian civilians be protected from repeated Israeli aggression; many pictures have been painted — enough to convince the Security Council today.

Israel must cease committing genocide, lest Israel itself fear genocide. Israel's daily behaviour in the occupied territories; its actions in southern Lebanon; its actions today in the Syrian Golan: these are genocidal actions. There is no need for the world to unmask this; it is clear for all to see.

The fact of the matter is that Palestinians are trying to defend themselves with stones against the most advanced weaponry. The same is true of the Lebanese resistance, which is trying to liberate their occupied land. The occupier is Israel, but Israel blames others. In April, Israel and Hezbollah agreed on a memorandum of understanding; Israel and Hezbollah have traded secrets and information. Israel must withdraw from Shabaa Farms, whether it be Syrian or Lebanese. By Israel's own admission, Shabaa Farms is not Israeli, so why is Israel there? Why does Israel remain there? Why does Israel subject its people to daily humiliation?

Ought not the aggression recently perpetrated by Israel against Syrian military elements inside Lebanon, approximately 40 miles from the "blue line" drawn by the United Nations, be called by its true name? That aggression took place in the heart of Lebanese territory, against Lebanese sovereignty and against Syria. It was a threatening message to peace and security in the region. My country has repeatedly affirmed the need for Israel to withdraw from all Lebanese territory, including Shabaa Farms.

Syria is not ashamed of the agreement on cooperation and brotherly relations between Lebanon and itself. The aforementioned aggression reaffirms the need for us to support Lebanon, to stand with it, especially following the civil war that had threatened to transform Lebanon into another Kosovo.

The country of Israel is based on occupation. It is a country that kills children daily. The picture of Muhammad Al-Durrah is but one of many pictures that can be seen on television screens all around the world. Is that not genocide? Israel must realize that security can be achieved only through peace. Peace can be achieved only through a full Israeli withdrawal from all Arab occupied territories to the lines of 4 June 1967. If the representative of Israel cites statements made angrily in the face of Israel's behaviour, are we to reply in kind? If many Israeli parties, including Rabbi

Ovadia Yosef, a so-called man of religion, described Arabs as snakes to be beheaded, are we to reply in kind? Israel is built on such racist myths.

Does he expect President Assad to respond to aggression, Israeli settlements and the killing of Arab children in occupied Arab lands with rose petals? I do not think so. I really do not think anybody would accept that. Israel has to realize that peace is the only path. A just, comprehensive peace is the preferred means to achieve security, freedom and dignity for all peoples of the region.

The President: The next speaker on my list is the representative of Israel, who wishes to make a further statement.

Mr. David (Israel): We regret the statement made by the Syrian representative, who insists on paying mere lip service to the principles of international humanitarian law and respect for territorial integrity. The Syrians must respect the lesson they are espousing. Syria itself is the occupying Power in Lebanon. Today it is the sole occupying Power in Lebanon. Israel, on the other hand, has fully fulfilled its responsibilities under Security Council resolution 425 (1978) and has fully withdrawn from southern Lebanon, according to all United Nations verification mechanisms and documents.

Syria itself must respect the territorial integrity of Lebanon, as well as other countries in our region, Israel included. Syria is a major supporter of Hezbollah, feeding instability along our northern borders and endangering the lives of innocent Israeli civilians.

As far as genocide is concerned, it should be remembered that Syria is responsible for having targeted Israeli civilians for two decades. I shall not refer in detail to its own genocide policy against its own people. Hama is only one example. The Syrian representative had better check his own record and selective memory before launching a baseless verbal attack at the expense of the Security Council members' time.

The President: I would now like to give the floor back to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, to take up any points from the debate that he would wish to.

Mr. Oshima: I am pleased with the generally positive way in which the Secretary-General's report has been received by members of the Council and other Permanent Representatives. I am also pleased to note the clear desire on the part of many Council members to move forward with the implementation of the recommendations, as appropriate.

I wish to assure the Council that my Office, in close consultation and partnership with members of the Inter-Agency Standing Committee, in particular the United Nations Office of the High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the World Food Programme, the International Committee of the Red Cross and others, looks forward to working with the Council for implementation of the recommendations, following appropriate practical mechanisms and procedures that I expect will be put in place in the light of today's discussions. It is my hope that the Secretary-General's next report will illuminate real progress in this regard.

I wish to express appreciation and thanks to those delegations that have expressed support for the work done by United Nations humanitarian agencies, including my Office. Regarding the specific conflict situations mentioned by delegations, I am afraid the time limits will not allow for an extensive response on this occasion. I would, however, say that I listened carefully to their views and, pleas, and in my capacity as Emergency Relief Coordinator I will work to ensure, again, in close collaboration with all humanitarian agencies and organizations concerned, that the humanitarian needs of those distressed civilian populations will be addressed in the best way possible in our daily activities on the ground.

The President: I thank the Under-Secretary-General for the further points that he has made.

We have had an interesting debate, with a number of useful ideas emerging from it. Many speakers have called for a culture of protection, but a culture is formed from the accumulation of effective action — even a habit of effective action.

I think there was a significant degree of support, from members and non-members of the Council alike, for the Secretary-General's recommendations in the areas of ensuring the prosecution of violations of international criminal law, setting meaningful standards for access negotiations, engaging armed groups and separating civilians from armed elements, to take just a few examples. The Security Council will need to

examine how best to take these into account in its future work, taking careful account also of indications of scepticism from some Member States in respect of a number of those recommendations. Clearly, pragmatism and realism are both called for.

We have also welcomed Mrs. Robinson's recommendations today on a human- rights-based approach to conflict and have, I think, sensed the value of close coordination with her Office on this subject.

We have also recognized that the Council has not done well enough in implementing the Secretary-General's previous set of recommendations.

Members of the Council this morning drew most of their examples from the African theatre. This afternoon, many Member States focused on the Middle East.

Whatever the feelings about the past, it is time to start taking more systematic action to improve the United Nations performance in this whole area. I shall bring to the Council a number of points drawn from today's discussion that might be a stimulus for the taking of relevant Council decisions or for making recommendations to the Secretary-General or to Member States where others have the lead responsibility — for instance, to establish a working group to cover a number of issues that arose today; to address impunity; to look at Security Council mandates in a number of respects; to look at better provision of information and analysis to the Council; and to consider the Council's links with regional and subregional groups, with sanctions policy, with agencies dealing with refugees and internally displaced persons, with the General Assembly, the Economic and Social Council and other United Nations intergovernmental bodies, and with, perhaps, the Secretary-General's 1998 report on Africa.

There are points for the Secretary-General, the Secretariat and the Office of the United Nations High Commissioner for Human Rights in a number of respects, which I shall detail for the Council. And there are points for Member States, which I think still have to fulfil their obligations under international law, conventions and other international instruments if we are to address this subject in its entirety.

So I will bring some points to the Council for discussion in informal consultations so that we can draw some conclusions together from this debate. But I think that today was a good start in moving forward the Council's work in this vital area. We can meet again in the next two to three weeks, subject to the arrangements made by the next presidency, to decide on precise follow-on action.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.30 p.m.